THE Office and Authority OF *Coroners* and *Sheriffs.*

With Directions how and in what manner to execute the ſaid Offices in all things that are now in Uſe.

Together with an eaſie and plain Method for the Keeping

Of { Court Leets, Court Barons, and Hundred Courts, &c.

By J. Wilkinson of Bernards Inn, *Gent.*

The fourth Edition, with Amendments and large Additions never before Printed.

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Cum Gratia & privilegio Regiæ Majeſtatis.

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Cum Gratia & privilegio Regiæ Majeſtatis.

RB.23.a.19461

30.12.99

TO THE

RIGHT HONOURABLE,

And my very good Lord,

Sir *Henry Mountague* Kt.

Lord Chief Juſtice of the

Kings Majeſties *Bench.*

RIght Honourable; whereas many wiſe and learned men have written of things that they have gathered by reading, I do publiſh what I have practiſed, warranted by Authorities in Law. And

becauſe the end of Writing Books is to benefit others, I know it will be acceptable to all that are not deeply ſtudied, to make uſe of theſe things which I have collected: neither can it offend the beſt Learned, to ſee that plainly ſet out, as it were by demonſtration, which they by Learning already underſtand.

The Office of a Coroner, the Office and Duty of a Sheriff, and the Office of a Steward, and the manner of keeping of Courts in Hundreds, Leets, and Baronies, are daily exerciſed by many, yet

few

few know the true forms that are to be kept in keeping of these Courts: for their sakes therefore I have undertaken this pains, and dare be bold to say, that they shall not much erre, if they follow what is here in this Book set down for direction for them therein. To your good Lordship, whose place is high in Justice, and whose mind studies the Commonwealths good, I have presumed to Dedicate this work, most humbly beseeching your Honours favourable Acceptance and Patronage thereof, ever wishing unto your Honour

nour a perpetual continuance of all Honour and Happinesse in this life, and Heavenly Felicity in the life to come: And even so being over-bold to trouble your good Lordship, do most humbly take my leave.

Your Honours
poor Servant in
all duty to
command,

JOHN WILKINSON.

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A COMPENDIOUS TREATISE,

Wherein is set forth the

OFFICE and AUTHORITY OF A *CORONER.*

The First Book.

A Coroner is an ancient Officer of this Realm, and ordained to be a principall preserver of Peace, and to carry the Records of the pleas of the Crown, and of his own view, and of abjurations, outlawries, appeals, &c. And this definition of him is given by Britton, an ancient writer, fol. 3. with the which agreeth the book de tit' Coron' in Fitz. Nat. Br. pag. 186. where he amplifieth his power more largely: viz. That he should carry Re-

cords of his own view, Abjurations, Outlawries, Appeals, accusements of thieves done before him, and of all nonsuits in appeals, and of all other things done in the County, that appertain to the Coroners office; and also in the Court of fræmen, which have franchises of infangthief, &c. And in the presence of the Coroner shall all appeals of Robberie and Larceny be framed. These things do declare the office of a Coroner to be an office of trust, and of great authority: and for that cause it is requisite that it be committed to a wise man, and of good behaviour, as it was well perceived by our ancient Fathers and predecessors, and chiefly by those that made the statute of Westminst. the 1. ca. 10. which rehearseth, For that that people of small condition, and not of the wisest, be now lately chosen to the office of Coroners, and much mæter it were, that wise men, loyall, and sage, should intermeddle with that office, It is provided, that through all Counties be chosen sufficient men to be Coroners, of the most loyall and most sagest Knights, which best know, can or will attend to that office, and that they lawfully keep and present the pleas of the Crown; And that the Sheriffs have counter-rolls of the Coroners, as well of Appeals as of Enquests, concerning Attachments, or other matters appertaining to that office. And that no Coroner shall demand any thing, or take any thing to execute his office, upon pain of a great forfeiture to the King.

The Statute committeth this Office to Knights,

Knights, and not to any others; and therefore it was held to be a main cause to remove and discharge a Coroner from his office, if he be not a Knight. But Master Fitzherbert in his Natura brevium in his writ de Coronator. eligend' would not allow the same for a sufficient cause at this day, alledging, That those words were put into the Statute, to the intent that a Coroner should have sufficient within the County, to answer for all that he doth or ought to doe by his said Office.

Also this Statute requireth such a Coroner as can, will, & may attend to execute the said office. And therefore if such a Coroner be elected and chosen as cannot, will not, nor may not attend the execution of the same office, he is to be removed and discharged by the Kings Writ from the same office: and the cause of his not attendance or insufficiency must be rehearsed in the writ, viz. that he is occupied in other of the Kings affairs, or that he is not in health, or aged, or unapt for the same office, or that he is insufficient in lands, or that he hath the palsie, or that his abode is in the uttermost parts of the County, or that he is nominated Sheriff, or Ranger of a Forrest. But if any of these causes be untrue, and the Coroner thereby discharged of his office by a false suggestion, then he may if he will goe to the Chancery, and there by petition pray a Commission to enquire of this false suggestion, the which if it be found, and returned to the Chancery, then the King may grant a Supersedeas to the Sheriffe of that

County, that he remove not the said Coroner from his office; and if he be removed before the Supersedeas come, then that he permit the Coroner removed, to execute his office as he did before his removall, as it appeareth in Master Fitz. Nat. Bre. in and by the writs de Coron. eligendo, & de Electione veredariorum.

But it shall be far more commendable for him that is chosen a Coroner, that if he perceive any of the said impediments to be in himself, that he then do purchase a writ, to discharge himself from the said office, which writ he shall find in the Register, fol. 177.

This statute also willeth that no Coroner shall take any thing for doing of his office, &c. for this purpose, that he wholly may be at liberty to doe and execute justice and right: and therefore within twelve years after there was a statute made to punish their corruption and extortion, which is called Statutum Exoniæ, made the fourteenth year of E. 1. which you shall find in the book called Secunda pars veterum Statutorum; by the which also it appeareth, that a Coroner ought to take nothing for execution of his office, which I find not altered by any statute untill 3 H. 7. ca. 1. which giveth him in murther, 13. s. 4. d. of the goods of the murtherer, if he have any goods, but if he have none, then the Coroner is to have his Fee by amercing of the village for suffering the murtherer to escape, and if any particular person shall be found guilty of such escape, the Coroner hath power to inquire thereof by the same statute.

But

But I find, tit' Cor. in Fitz. fo. 321. & 371. that a Coroner hath a Fee belonging to his office, viz. of every vifne one peny, when they appear before the Juſtices of Eyre.

But that fee is not repugnant to the ſtat. of Weſt. 1. for he receiveth not the ſame to doe his office, but as a right due to him though that he executeth no part of his office, &c.

Alſo the ſtat. of 1 H. 8. ca. 7. prohibiteth a Coroner to take any thing for doing of his office, upon pain of xl. s. for every default.

And alſo upon like penalty, where he giveth not his attendance when he is ſent for and required to make Inquiſition upon the death of any dead corps, &c.

And ſince the ſtat. of Weſtminſter the firſt, it was ordained and inacted by a ſtatute made An. 14 Ed. 3. c. 7. that no Coroner be choſen, if he have not lands ſufficient in the ſame county wherewith he may anſwer all manner of people. This ſtat. is in the negative, and therefore the not ſatisfying of the ſame ſtatute is good cauſe to remove him from his office, by the Writ before remembred, the which Writ declareth how he ſhall be ſaid to be ſufficient, and in what ſort the ſame ſhall be examined; viz. if he have lands in the county upon the which he may dwell agreeable to his degree, for the exerciſing of the ſame Office.

Alſo after by another ſtatute made An. 28 Ed. 3. ca. 6. it was enacted, That all Coroners of every County ſhould be choſen in the open Countie by the Freeholders of the ſaid County, of the moſt convenienteſt and moſt loyalleſt

people that may be found in the said Counties, to execute the said Office: always saving to the King and to other Lords their Seigniories and Franchises.

And note, that when a Coroner is chosen, he shall remain officer, till such time as the King hath otherwise determined his pleasure, or otherwise that the King decease, and is not changeable every year, as the Sheriffes and Escheators are: qd' vid. Hil' 4 E. 4. fol. 44.

Also when he is elected, the Sheriffe of the same county, or his Undersheriffe, must give him his oath thus as followeth:

His Oath to the Supremacy.

I A. B. do utterly testifie and declare in my conscience, That the Kings Highnesse is the onely supreme Governour of this realm, and of all other his Highnesse dominions and countries, as well in all Spirituall things or causes, as Temporall, and that no forrein Prince, Person, Prelate, State, or Potentate, hath or ought to have any jurisdiction, power, superiority, preheminence, or authority, Ecclesiasticall or Spirituall, within this Realm: And therefore I do utterly renounce and forsake all forrein jurisdictions, powers, superiorities, and authorities, and do promise that I shall from henceforth bear faith and true allegeance to his Highnesse, his heirs and lawfull successors, and to my power shall assist and defend all jurisdictions, priviledges, preheminences, and authorities granted or belonging to the Kings Highnesse, his heirs and successors,

or

or united and annexed to the Imperiall Crown of this Realm. So God me help and the contents of this Book. 1 El. ca. 1.

YOU shall swear that you well and truly shall serve our soveraign Lord the Kings Majesty, and his liege people, in the office of a Coroner, and as one of his Majesties Coroners of this County of Southampton; and therein you shall diligently and truly doe and accomplish all and every thing and things appertaining to your office, after the best of your cunning, wit, and power, both for the Kings profit, and the good of the inhabitants within the said county, taking such fees as you ought to take by the laws and statutes of this Realm, and not otherwise. So help you God, and the holy contents of this book. And so let him kisse the book to affirm his Oath. His Oath for the due execution of his office.

First, when he hath notice to take the view of the body of any person slain, either with his will or against his will, he must then make his precept to the Constables and Tithingmen of the hundred where the party lieth dead, to summon a jury to appear before him at a day and place certain, to enquire thereof upon a pain of xl. s. before remembred. And the form of his Precept is thus: viz.

By virtue of mine office these are in the Kings Majesties name to will and require you immediately upon the receit hereof, to summon and warn 24 able and sufficient men to be South.

and appear before me at A. the 7. day of February next coming after the date hereof, or to morrow being Tuesday, the 7. day of F. at the town-hall there, if there be any, or at any other place certain, then and there to doe and execute such things as on his Majesties behalf shall be given them in charge: whereof fail you not, as you and every of you will answer the contrary at your perils. Dated under my hand and seal, this ninth of February, An. Dom. 1638.

Per me Jo. W. unum Coron' Dom.
Reg' com. præd'.

To the Constables and Tithingmen of the Hundred of B. in this behalf, jointly and severally, greeting.

AND when he cometh to the place appointed, he must then call for the Constables and Tithing-men, to whom he did direct his warrant, for their return; and when he hath that, then he must cause one of them, or some other for them, to make three proclamations or oyes, and call the jury thus: You good men which be returned to appear here this present time, to inquire for our Soveraign Lord the King, answer to your names, as you shall be called, every man at the first call, upon pain and perill that may fall thereon. This done, when you have a full jury of 14 or 15, call the foreman to the Book, and swear him thus; You shall duly inquire, and true

true presentment make of such things as shall be given you in charge, according to your evidence: so help you God, and the contents of this Book.

Then call the rest of the jury, and swear them by four at once, and swear them thus:

ALL such oath as A. B. your foreman hath taken before you on his part, you and every one of you shall well and truly observe and keep on your parts: so God you help, and the contents of that book.

And when they are all thus sworn, call them again, and let the crier count them after you, and then bid them stand together and hear their charge.

Then begin your charge thus:

SIrs, you that be sworn, you shall understand what the cause of our meeting is here now at this present. It is to inquire and present or find, how A. B. came to his death: for when any man, woman, or child, do come to their death by any casualty, or untimely means, then the King hath appointed Coroners in every County to inquire thereof by the oaths of men: And therefore by virtue of mine Office, I have caused you to be called hither, and have impannelled and sworn you to that purpose, to the end the King and his immediate Officers may be truly certified how and by what means he hath lost his subject: therefore now your charge is, to inquire how and by what means the said A. B. came to

The Charge.

to his death, that a true record may be made thereof. If he was slain in fight, then you must enquire by whom, when, and where, and in what manner, and with what weapon, as near as you can, and what goods, chattels, lands or tenements the offendor had at the time of the fact committed, or at any time sithence, and whether he be fled for the same or no. For I must tell you, that Coroners have authority to enquire by their office of all manner of homicides and slaughters of men, especially above all other things, and that by the oaths of men super visum Corporis, and not otherwise. And these homicides and slaughters of men are of divers kinds or degrees, but they are all comprehended within two kinds, viz. spirituall homicide, and corporall homicide: the first is the slaughter and destruction of the soul, which is Gods part, if he die in the faith of Christ: and the other is the slaughter of the body, which is the Kings part, that must take his end by the due execution of Justice for the offence committed against the Law. And a corporall homicide is twofold, that is to say, Lingua, & Facto. Lingua is threefold, viz. in commanding, in giving of counsell, and in defending: Facto is fourfold, viz. in execution of justice, homicide willingly done, homicide done by chance, and homicide done by necessity. Homicide done by justice, is when a man is justly condemned and executed for his offence: homicide willingly done, is either murther, or at the least man-slaughter: homicide done by chance, is by some accidentall

cidentall means, as where one is killed by casting of a stone unawares, or shooting of an arrow, or such like, and killeth one against the will or intent of him that casteth or shooteth: and homicide of necessity, is when a man cannot chuse, but he must either kill or be killed, and that will be taken to be in his own defence. Then there is homicide inevitable for the advancement of Justice; and that is where a Sheriffe or other Officer by warrant pursues a Felon, which will not obey or yield himself, but offereth violence, and so is killed in apprehending; or where a man killeth a thief, which would rob him: In these cases he which committeth such homicide shall be acquitted, and neither lose life, lands nor goods for the same. There are other homicides which are no felony, and that is where a mad-man either kills himself or any other person when he is mad, or where a child is killed in the mothers belly, not in rerum natura: and that for two causes, viz. one because it had not the name of baptism, and the other because it cannot be certainly known, whether the mother killed it by some other means or no. But if an infant of 9 years old kill a man, woman, or child, if such Infant then know good from evill, it is felony in such an Infant, and that will be well known and perceived by the answer of such an infant, to such questions as may be demanded of him. Or here also, if a man take upon him to be a Physician or a Surgeon, and not allowed to use and practise such faculty, if he take upon him

a cure

a cure, which dieth under his hands by his ignorance, it is held to be felony in such Physician or Surgeon. Also if a man kæp a dangerous beast, as a Bull, a Bear, a Dog, or such like, he knowing them to be dangerous, and yet doth not kæp them tied, but wilfully suffereth such beasts to go at large without a kæper, if such beast kill a man, woman, or child, it is held to be Felony in the owner of such Beast. Also there is another kind of homicide, which is a kind of murther, called felo de se; and that is where one hangs, or kills, or drowns himself for lack of grace: for as it is murther and felony for one man willingly and wilfully to kill another; so likewise it is murther and Felony for a man to kill or drown himself willingly and wilfully, yet they are not both in one case and predicament: for the first doth forfeit by that fact both his lands and his goods; and the other forfeits but goods and chattels, and no lands. There is also another kind of homicide, not done by man, but by some casuall means, and that is called homicide by misadventure or misfortune, by a Horse, or a Cart, or a bough of a træ, or such like: and in this case, omne quod movet cum eo quod occidit hominem deodand' est domino Regi, and it is forfeit to the Kings Almner, unlesse the King or his progenitors have formerly granted the same away to some Lord of a Liberty, as they commonly do; then if it happen to be within such liberty, it belongs to the Lord of the Liberty. But if

any

any of these homicides fall out to be wilfull murther, which is a most bloody and a crying sin, and cannot be too severely punished, therefore by the Law the offendor herein ought to lose both life, lands, and goods, an eye for an eye, and a tooth for a tooth. And if manslaughter, if the offendor can read well, then he may in favour of life, by the Kings mercy, have the benefit of his Clergy, and so save his life; but he shall lose and forfeit both his lands and goods, and yet the Law of God not therein satisfied. The goods must be found, appraised, and valued, of such offendors, and left in the Township or Village, where such offendor dwelleth, by them safely to be kept, untill the offendor be acquitted or convicted by due course of law; in the mean time the offendor must be maintained with his goods, so as he may be kept alive to answer his fact, and what shall remain when he is convicted, those to whom such goods do belong by the Law, must have them, and not before, and thereof discharge the Township or Village which had the custodie of such goods. And as for the offendors free land, if he have any, immediately after conviction, the King must have annum, diem & vastum therein, and after the Lord of whom it is holden shall have it as an escheat. And thus having discoursed at large of all these things incident to my office for your instruction, I will make an end, and trouble you no more at this time: and so you shall hear your evidence.

Then

Then if the evidence be ready, they must be called and sworn thus:

THE evidence that you shall give to this inquest shall be the truth, the whole truth, and nothing but the truth: so help you God, and the contents of this book.

And if the evidence be not ready, then you must appoint the Jury a day and a place to come to you to receive their evidence; & least they or any of them should fail to come to the place at the time appointed, you may bind them by recognisance in x. li. or xx. li. apiece, and in the mean time you may send your Warrant for the witnesses to come before you to be examined, and to deliver their knowledge concerning the matter in question; and be sure to take their examinations in writing under their hands: and if it be about the triall of any mans life, then you must bind over all the witnesses in xx. li. apiece at the least, to appear at the next Assises then following, to deliver their knowledge therein viva voce, if they shall be thereunto required.

The form of which Recognizance is thus:

South. Tertio die Oct' an' Reg. Ja. &c. xv. 1617.
Jacobus S. de B. in com. præd' cognovit se debere Domino Regi xx. l'.
Sub conditione,

That if the said J. S. do personally appear before the Kings Majesties Justices of Assise and Gaol-delivery, at the next Assises to be holden at the Castle of W. for the said County,

County, and then and there deliver and ſet forth his knowledge touching the death of A. B. and do not depart thence without licence of the ſaid Court: That then this preſent Recognizance to be void and of none effect, or elſe the ſame to ſtand, remain, and continue in force, ſtrength, and virtue.

Capt. & cogn. 3. die O. ann. 1617. prædᵗ coram me I. W. gen. un' Coron. dom. regis com. prædict.

I. W.

This offence is the higheſt and greateſt offence that a Coroner is to meddle withall by his office, & it is defined by Bracton to be Extraneorum & notorum hominum occulta occiſio manu hominum nequiter perpetrat. quæ nullo ſciente aut vidente ſit factᵗ preter ſolum interfectorem & ſuos coadjutores, adeo ut nullus ſtatim inſequatur clamor popularᵗ, &c. And ſo ye may ſee how that Englechery, id eſt, Anglicus eſt, &c. was preſented in ancient time untill the fourteenth year of E. 3. At which time by a ſtat. made 14 E. 3. c. 4. the preſentment of Englechery was wholly abrogated and adnulled, the letter of which ſtat. is thus: viz. Of wilfull murther.

Item, For that there are many miſchiefs happened in many countries in England, which knew not how to preſent Englechery, for which cauſe the commons of the counties oftentimes were before the Juſtices in Eyre amerced, to the great grievance of the people:

It

It is therefore agreed that at no time hereafter any Justice of any Eyre shall put any article or opposition presenting Englechery to the commons of the Counties, nor against any of them: But that for ever Englechery and the presentment thereof to be wholly omitted and made void; so that none for this cause be from henceforth impeached. By the words of this statute it appeareth that the presentment of Englechery was so divers, by the divers customs of severall countries, that the countries knew not well how to satisfie the Justices in the presenting thereof, but for the undue presenting thereof they were often amerced and sore grieved: And yet Bracton saith, Quoniam in diversis comitatibus diverse presentatur Englicheria, inquirend. est in omni itinere ab initio quæ sit consuetudo eam presentandi. Also he putteth there in his Book many things which excuse the Country by the Common Law from that amerciament or payment of lxvi. marks, for he saith in this manner, Et pensatur quandoque, &c. And that that also was the common Law appeareth in Britton fol. 15. which agreeth throughout with that which Bracton hath here written, the which common law is changed, as I have said before, by the said Statute made in the 14. year of E. 3. wherefore a man at this day may define murther in other manner then Bracton and Britton did, viz. It is murther, when any man of malice prepensed killeth another feloniously, having no regard whether he kill him openly

ly or secretly, or whether he be an Englishman or not, so that he live in the Realm under the Kings protection: and homicide that is done in such manner is called murther at this day: for the name of murther was not at any time changed, but the Law retained the same continually for the hainousnesse of the crime, to put a difference between homicide by chance-medley and murther. And therefore if a man be indicted of murther at this day, a pardon of all Felonies will not help him, and that is by the Statute of 13 R. 2. cap. 1. the letter whereof you may see hereafter: and also the Statute of 1 Edw. 6. cap. 12. which inlueth, videlicet, Provided also, and be it enacted by the authority aforesaid, that all wilfull killing by poisoning of any person or persons that at any time hereafter shall be done, perpetrated or committed, shall be adiudged, taken, and deemed wilfull murther of malice prepensed, and that the offendors therein, their aiders, abettors, procurors and counsellors shall suffer death, and forfeit in every behalf as in other cases of wilfull murther of malice prepensed.

Man-slaughter is where one killeth another having no malice prepensed so to doe, yet it is felony, and he shall lose his lands and goods, and his life too, if he cannot read well, as is said before in the charge: The which thing if a mad-man doe, it is no felony in him, nor he shall not be arraigned for it, when he is of good memory, as it appeareth in Fitzh. fol. 33. and 21 Hen. 7. Tamen in the Eyres of Northampton Of man-slaughter.

ampton in 3 E. 3. it appeareth there, that he should purchase his pardon of course: And with that agreeth 26. li. ass. And the same Law which serveth for a man lunatick serveth for a man that is deaf and dumb, as ye may find in the same plea. And if one of the age of 12 years or more kill another, that is felony: the same Law is if he be but 9 years old at the time of the killing; so that it may be perceived that he understandeth good from evill, as by his excuse, or by any act done since the killing, videlicet, in hiding the dead corps in any secret place to the intent it should not be found, and known. Quia in tali casu malitia supplebit ætatem, ut patet 3 H. 7. & tit' Coron' 51. And there they respited execution of him to the intent they might procure his pardon. And Bracton said in those cases of Lunatic's, and of the infant, Quod alterum consilii inopia tuetur, alterum facti imbecillitas excusat.

And if a Surgeon or a Physician allowed have one in cure, which dieth presently after, or within a short time after, that is no Felony, for that he did nothing feloniously; but if he killed him with Physick or Surgery, it was done against his will: quod vide titulo Coronæ 163. & Brit' on fol. 14. c. Contr.

Also if a man have a Bull, Bear, or a Dog, which is accustomed to doe hurt, and his master or owner, well knowing the same, yet do not tie him up, but suffer him to go at large, and being so at large, he killeth a man, this is held by Fitzherbert, 311. to be

felony

felony in the Owner of the beast, by reason of the sufferance, for thereby the owner seemeth to have a will to kill. And note that in ancient time, the will was so material, that the same was taken for the fact; ut patet titulo 1 E. 3. where one compassing the death of another, woundeth him so grievously that he leaveth him for dead, and afterward flieth, and the man wounded reviveth: and yet notwithstanding, it was then adjudged to be Felony, insomuch as the will appeareth to have killed him; voluntas reputabitur pro facto. And with the same agreeth Bracton, who saith, in maleficiis spectatur voluntas, & non exitus; & nihil interest utrum quis occidat, an causam mortis præbeat. But this law is not now in force, for he must be dead indeed before it be adjudged Felony. And if a man hurt another with an intent to beat him, but not to kill him, yet notwithstanding, if he die of such beating, it is felony in him that so did beat him: wherefore at this day a man may convert the text to Bractons opinion, and say, quod exitus in maleficiis spectatur, & non voluntas duntaxat, as in the case next before, &c. Vide titulo memorato, where for the malicious words of a woman 2 men fought, and the one killed the other, the woman in this case was arraigned of the death of him that was slain. The like case if three men go together to make a disfame, and one of these three doth kill a man, the other two in this case are taken to be principall felons, and yet they did it not of any evill will, but only came in one company together: quod vide

titulo Fitz. 350. So that many cases may be found, ubi exitus spectatur, & non voluntas duntaxat, as before is said. Wherefore to conclude, we may say that the will, unlesse the fact ensueth the same, maketh no offence at this day, but in treason given by statute, &c.

It is a generall opinion, and commonly agreed upon, that if a man have judgement to be hanged, and commandment given to the Sherif to see execution done according to the judgement, if the Sherif after of his own authority do behead the prisoner which was appointed to be hanged, then this is felony in the Sheriff, because the order of the Judgement is not observed, in putting the prisoner to death. The same law is, if one that is not the Sheriff will kill a prisoner as he is going to the gallows to be hanged, of his own head and authority, quod vide 35 H. 6. And for this felony the wife of the prisoner may have an appeal against him that killed her husband. But Scrope is of opinion, that it shall be otherwise, if he that is killed be attainted by outlawry, as it appeareth 2 E. 3. where he that is indicted alleageth, that he for whose death he is indicted was and is outlawed of felony. Scrope, It may be that that outlawry is reversed, or that he had his charter of pardon, wherefore thereof he must make search, and send into the Chancery to understand there, if he had a charter of pardon, and in the mean time he shall be let to bail till a certain day, that the truth be known. And he said further, that if he found that the outlawry was

not

not reversed, nor that the prisoner had not any charter of pardon, that then the def. shall not answer any further, but be discharged of the indictment. Also it seemeth to be lawfull for any to kill a man attainted in a Præmunire, because the statute of 25 Ed. 3. ca. 21. de productionibus willeth that a man may do against them as against the Kings enemies, without any impeachment, &c.

A Sheriffs Bailiff, or any other Officer, that hath warrant to arrest any man that is indicted for felony, may justifie the killing of him, if he will not suffer himself to be arrested, but in such sort standeth in his defence, that the Officer cannot arrest him without killing of him: in this case the Officer shall be discharged without suing forth of his pardon of course, ut patet 22. lib. Ass. & 22 E. 3. where Thorp saith, that any man may take and arrest a thief, and if he will not yield, but stand in defence of himself, or else fly, in such case he may kill him without blame: ergo he that hath no warrant, as well as he that hath a warrant, by this authority may kill and justifie. And there he reciteth, that where a Gaoler came to the Gaol with a Lantern in his hand, to see his prisoners, which had broken their irons, and standing all ready to have killed him, they beat him, and wounded him very sore, but killed him not; he having a hatchet in his hand, therewith he killed three of the prisoners, and being called in question for it, was discharged thereof, for it was adjudged by all the Councill, that the Gaoler

Of homicide done by necessity inevitable justifiable.

had done well, &c. And therefore note ye, as a man may justifie the killing of a man before an arrest, even so he may justify the same after an arrest, so that the same do arise upon an inevitable necessity, as before is said. And therefore one is arrested of felony, & as he is carrying to the Gaol, he maketh debate and flieth, and the other in such sort pursueth him, that he cannot take him again without killing of him: this manner of killing is justifiable; qd' vide 3 E. 3. And the case is there, that a man did fly to a Church for felony, & after in the night he went from thence, and the village that did watch him in the Church did pursue him & killed him, for that he would not yield himself, and it was allowed as well done. Tamen eodem titulo 3 Ed. 3. Lowth doth doubt of this killing, in that it may be that he that was arrested was not guilty of the felony, although he was indicted thereof: and nothing like the case where one is pursued upon a robbery done, and the thief killed. But by the book aforesaid it appeareth that such killing is not felony, nor that any thing shall be forfeit for the same, nor that any pardon is needfull: sed vide ibid. fol. 344. that in that case it is finable, and a fine of xl. s. was paid for the same: sed quær. whether the same was for the killing, or for the escape. And note, that he which killeth another by reason of any matter inevitable, ut supra, to be found before him by reason of any jurisdiction that he hath to inquire of felonies, he shall not be discharged upon such indictment found, untill such time as he be arraigned

raigned upon the ſame, and the matter alſo found by verdict, ut patet eodem titulo, for that he himſelf was Judge thereof. Otherwiſe it is if the finding of the ſame be before other Commiſſioners. Vide le Statute de malefactoribus in Parcis, made the one and twentieth year of E. 1. which giveth power to Foreſters, Parkers and Warrenners to kill the offendors, if they will not be juſtified, &c.

As for example: Many do come to burn my houſe, my ſelf being within the ſame, and they compaſſe about the houſe, but they burn it not; and I ſhoot out of the ſame houſe, and kill one of them; this is not felony, ut patet 26. lib. Aſſ. The ſame law is if they come to my houſe and rob me, and my boy or my man that is with me in my houſe killeth one of them: qd' vide in Fitz. titulo Coron' 3 E. 3. per Lowth, & ibidem pag. 505. where it was preſented that a man had killed another in his own houſe defending himſelf, and it was demanded of thoſe that made the preſentment, if he that was ſo ſlain did come to rob him; for in that caſe one man might kill another, though that it be not in defence of himſelf, &c. And in all ſuch like caſes a man ſhall go quit without any forfeiture, or without expecting the Kings grace, in that my houſe is unto me as my Caſtle, out of which the Law will not conſtrain me to fly, &c. The ſame Law is if one come unto me, when I am out of my houſe, and will rob me, wherefore I kill him: for in 26. libr. Aſſ. the caſe was that a thief aſſailed a man in his ſhip, and he purſu-

Homicide in a defending of a mans houſe and his goods againſt thieves, lawful and juſtifiable for the urgent neceſſity thereof.

sued him so hardly, that the man killed him; and generally it was affirmed that the man should be discharged and quit without pardon. And note well this latter book; for that maketh expresse mention, that he shall goe quit without pardon: but the other books speak nothing neither of pardon, nor yet of the forfeiture: wherefore it may be doubtfull to some, whether he shall forfeit his goods, and whether it shall be needfull to have a pardon or not. And therefore to take away all doubts, a statute was made An. 24 H. 8. the letter whereof is this: For as much as it hath been in question and ambiguity, that if any evil-disposed person or persons do attempt feloniously to rob or murther: and so see the statute at large, that it is lawfull to kill him.

How necessity shal be interpreted in homicide in defence of ones self.

Note, that the necessity ought to be so great, that it ought to be esteemed not avoidable, or otherwise he shall not be excused; for in this case ye have not to doe with as in the case before, but with a just man. And whether the person that is so killed, or the person that doth kill, doth begin the afray, it is not material, but the whole matter consisteth in the necessity inevitable, without which the killing by any means is not excusable. Wherefore to make a definition of homicide done in a mans own defence, we must say that properly it is when A. doth make an afray upon B. and hurteth him, and B. fleeth as much as he can for safeguard of his life, so that he is come to a strait, beyond the which he cannot fly,

fly, and A. still continueth, whereby B. hurteth and killeth him: this is called homicide in a mans own defence. For if B. might have avoided the same, and did not, but when A. had hurt him, he then had hurt A. again even to death, then was it man-slaughter, and so felony in B. ut patet in Fitz. 226. But when A. hurteth B. B. hurteth him again but not deadly, and afterward B. flieth, ut supra, and A. pursueth him till that he cometh into a strait, ut supra, and then B. doth kill him, that is not felony, but in his own defence. And so ye may note, that although B. gave to A. divers wounds, that is not material, because he flieth from him as much as he can before he gives to A. the deadly wound. And that ye may see in les Eyres of North, &c. 2 E. 3. And Bract. hath a case for the confirmation of this law. Jure evenit ut quod quis ob tutelam sui corporis fecerit jure id fecisse existimatur. And note, that it appeareth before in 43. li. ass. before noted. And it is not a sufficient verdict to say, that the prisoner killed another in his own defence, but they ought to shew the matter, especially in what manner it was done. And although that it be specially found upon the indictment, yet notwithstanding he shall not thereby be discharged untill he have purchased a charter of pardon for the same, the which is a confession, by amplification of the indictment; or else otherwise, wholly to estrange himself from the fact, and to plead not guilty, and so to be found. And this is so done, to

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the intent to induce the forfeiture of his goods being forfeit by the same offence, ut patet 4 H.7. And where the statute of Glouceſt. c.9. ſaith, that he ought to put himſelf upon an Enqueſt de bono & malo, that it is to be underſtood, when he is indicted of murther or homicide, and not where in the indictment the ſpeciall matter is found: for to ſuch an indictment of murther or homicide, it ought to be pleaded not guilty: for to plead the ſpecial matter, viz. that he killed him in his own defence, it is no plea, in that it ſhould be as a juſtification; whereas ſuch kind of homicide is not in any matter juſtifiable, wherefore he ought to plead not guilty, and then that ſpeciall matter found by verdict ſhall give him advantage, &c. Contrariwiſe it is in treſpaſſe, for there the party ſhall not take advantage of a juſtification found by verdict, if it be not pleaded by the party. And ſo note, that he ſhall not be diſcharged of this ſpecial matter, till ſuch time as he hath purchaſed his pardon, or elſe be acquitted thereof by verdict: and then his diſcharge ſhall be in this manner, viz. if he require to purchaſe his pardon, he ſhall firſt be letten to mainprize, and then he ſhall ſue forth his writ of Certiorari directed to the Judges of Aſſiſe, before whom the indictment lieth, to certifie the Record to the Chancellor of England, who will make him a Charter of Pardon in ſuch a caſe of courſe, without ſpeaking to the King for the ſame. And yet the Statute of Glouceſt. ſaith, that the Juſtices ought to make the King privy of

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the ſame, and that the King therein ſhould ſhew him the grace if it ſo pleaſed him: but the making the King privy thereof is to be underſtood, the Certificate of the ſame made to him in his Chancery is ſufficient, for that in the law he is always ſaid to be there preſent, &c. And for theſe matters vide tit. 44 E. 3. 15. & 3 E. 3. where it is ſaid, that when a man is acquitted before the Judges of Aſſiſe of the death of a man in his own defence, he ſhall have a writ from the chief Juſtice, within which ſhall be contained the whole Record of his acquitall, to the Chancellor, who will make his Charter of pardon without ſpeaking to the King, &c. And note ye before, that in the Eyres of Northampton the Jury did find that he fled for the Felony, for which cauſe he ſhall forfeit his goods, quaſi diceret that he ſhould not forfeit his goods unleſſe ſuch a flying away had been found: but the Law is not ſo, as it appeareth 44. & 45 E. 3. & 1 H. 7. before noted, wherefore we are to think, that the inquiry of a flying was ſurpluſage and void, &c. And conſider well the words of the Statute of Glouceſter, which be theſe: It is ordered and agreed, that hereafter no Writ ſhall iſſue out of the Chancery to inquire for the death of a man, if a man hath killed another by miſadventure, or in his own defence, or in any other manner without felony; but he ſhall be impriſoned untill the coming of the Juſtices of Gaol-delivery, if he cannot find pledges for his appearance before them, and then he ſhall put himſelf

ſelf to his trial by the country de bono & malo. And if it be found by the country that he did the ſame in his own defence, or by miſadventure, then the Juſtices of Aſſiſe are to certifie the King thereof in his Chancery, and from thence he ſhall have his pardon of the Kings grace. This Statute maketh mention of Juſtices errant and of Juſtices of Gaol-delibery: wherefore it ſeemeth that if any be indicted before them, that he killed one in his own defence, that that indictment is as good as if the ſame had been found before the Coroner, upon the view of the dead body: otherwiſe it is if ſuch indictment be found before Juſtices of Peace, for that they have not any authority to take any ſuch indictment. And note, that it appeareth 44 E. 3. before cited, that there is one caſe where one ſhall be killed by chance-medly, and yet he that killeth him ſhall not forfeit any thing: as if A. ſtriketh B. to the ground, and thereupon A. draweth his knife to kill B. and B. lying upon the ground draweth his own knife, and A. is ſo haſty to kill B. that he choppeth himſelf upon the knife which B. had in his hand, and ſo A. was ſlain: and it was adjudged in this caſe, that the ſaid B. was not culpable of the death of A. nor ſhall forfeit his goods, becauſe A. in a manner killed himſelf, &c. And as it is in the Eyres of Forth. before pag. 286. and 297. there is a caſe not much unlike to this caſe, which hath a contrary judgement, and yet if collation between them be made, ye ſhall find that they are not both alike: for there he

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did not lie upon the ground, but ſtood upon his feet, inſomuch that he might have made other defence for the ſaving of his life then the other could that did lie upon the ground. And the caſe there was this: viz. A. did ſtrike B. and B. did fly till that he came to a ſtrait, as it is aforeſaid, and then B. perceiving that A. would kill him, did hold a pitch-fork between him and A. and A. was ſo fierce that he ran upon the pitchfork, and ſo was ſlain: and yet notwithſtanding this matter, B. was put to purchaſe his pardon of courſe, and beſides forfeited his goods, &c.

Homicide by miſadventure or misfortune.

And that is if a man without any evill intent caſt a ſtone or ſhoot an arrow whereby one is hurt unawares and ſlain, going to the market, or about any other neceſſary and lawfull buſineſſe, this manner of killing is homicide by miſadventure, for the which the offendor ſhall have his pardon of courſe, in the like ſort as before in the caſe where a man ſhall have it for killing of a man in his own defence. And that is by the ſaid Stat. of Glouc. ut pat 3 E. 3. and he ſhall forfeit his goods, as before in the caſe of killing a man in his own defence. Vide the Statute of Marlebridge cap. 15. that ſaith, Murdrum de cetero non adjudicetur coram Juſticiar. ubi infortunium tantummodo adjudicat' eſt, ſed locum habeat murdrum de interfectis per feloniam tantum, & non alit'. By which Statute it appeareth, that miſadventure by the Common Law was adjudged for murther. But that ought to be with a diſtinction which Bracton hereafter hath made, that is to ſay, where

where one hath done a thing lawfull, and where not: for if he hath done an unlawfull thing, and if any misadventure do thereof insue, whereby any one is slain, that is felony at this day, if it be not murther. And therefore if A. strike B. and C. comes between them to part them, and is deadly wounded by the said A. or B. without any evill intent; yet notwithstanding if C. upon that hurt do die within a year and a day next after such hurt given, it is felony in him which hurt C. and not a misadventure, for that the fact which A. and B. did was unlawfull, ut pat' tit' Coron' 22. libr. Ass. And if A. and B. did intend one to kill the other, then it is felony in them both, ut pat 22 E. 3. And note that the same order is to be observed in pleading, the verdict, forfeiture, and pardon of one that killeth any by misadventure, as is aforesaid, to be of one that killeth another in his own defence, and the said Statute of Glouc. extendeth as well to the one as to the other.

Homicide called felo de se.

Bracton defineth felo de se in this manner: viz. Eodem modo sicut potest quis feloniam facere interficiend' alium, ita feloniam facere potest interficiend' seipsum. Feloniam quidem facit de seipso qui reus alicujus crimin' capt sit pro eod. utpote pro morte hominis, vel cum furto manifesto, vel qd' utlagat sit, vel in aliquo scelere vel maleficiis deprehensus, & motu penæ imminentis mortem sibi conscíverit: hæredem non habebit quem sic convicerit felonia prius fact' viz. furtum, mors hominis, vel hujusmodi; & conscientia metus in reo pro confession' habet'.

Agree-

Agreeing to Bracton, ye shall see the book titul' Coron' in Fitz. 259. where a felon of himself shall forfeit his lands. But whether he had before he killed himself committed felony or not, appeareth not by the book. Ideo quær. if this distinction that Bracton hath made be Law at this day. for it appeareth in divers other books, that a felo de se shall forfeit his goods onely, and no lands, as pag. 301, 362, 420. tit jam dicto: and there also it appeareth, pag. 324. That if one that is frantick from day to day do kill himself, that such a man shall forfeit no goods or chattels; but otherwise it is if he be not frantick from day to day, but onely at some times. Also there pag. 244. was presented, quod quidam lunaticus percussit seipsum cultell' suo, & postea recuperavit de infirmitate sua, & habuit jura ecclesiastica, & obiit ration' plagæ quam accepit. Catall' ejus non fuerunt forisfact. The contrary whereof ye shall find pag. 142. But the Law is clear, that if a man which is of good memory committeth the same fact in such manner, and afterward recovereth, and yet notwithstanding dieth of the same plague that he gave to himself, he in that case shall forfeit his goods. Vide ibid. the case p. 94. that was before remembred, that is to say, where A. striketh B. to the ground, and thereupon A. plucketh out his knife to kill B. & B. lying upon the ground plucketh out his knife, & A. is so hasty to kill B. that he choppeth himself upon the knife of B. and so is slain: in this case A. is a felon of himself, and that case agreeth with Bracton heretofore.

Deo-

Homicide not committed by man, but by some casualty, whereof cometh Deodands.

Deodand. est, where any person cometh to his death by misadventure of any thing that shall fall upon him, or by misadventure of a fall that he taketh from a Cart or a Horse, or any other thing, the same not being occasioned by any other person, the thing that so occasioned the death shall be forfeited, and taken as a Deodand, to be distributed in Alms, for the benefit of the soul of the dead person. And note, that it is not materiall whether the thing that killeth him be moving at the time that he was killed or not: for although that it be not moving, yet notwithstanding it shall be called a deodand, as well as that which was there moving, as it shall be hereafter expressed. And therefore when you speak of a thing moving, that is only to this intent, viz. That all things moving with the thing which is the occasion of the death shall be forfeited, as well for a deodand, as the principall thing: qd' vide tit Fitz.403. ubi dicitur, quod omne qd' movet cũ eo quod occidit hominem deodand' est domino Regi vel feod' Cleric'. And therefore ye shall find ibid. pag. 398. where a man did cut down a tree, the which did fall upon the bough of another tree, which bough did fall upon a man and killed him, it was adjudged that as well the tree as the bough should be a deodand. And the same Law is, where a man doth ride upon a Cart, and the Cart falleth upon him and killeth him, here as well the horses which drew the Cart, as the Cart it self, shall be deodands, ut patet ibid. pag. 388. And ye shall find, pag. 397. that a man being

ing upon a Cart loaden with fagots, & ligando eam cecidit motione unius equi in eadem carecta exiſtens, per qd' obiit, and the Horſes and the Cart were adjudged for deodands. Alſo pag. 405. a beam on which did hang a bell did fall upon a man and killed him, the bell as well as the beam were adjudged for deodands, non obſtante quod fuerunt bona eccleſiæ: ſed tamen, de gratia & honore eccleſiæ, capitalis Juſtic' redonavit. Et pag. 326. a man falleth out of a Cart loaded with Hay, and the wheel of the Cart doth break his leggs, whereof he dieth, and the Hay was adjudged to be a deodand as well as the Cart. Tamen pag. 342. a man falleth out of a Cart, and breaketh his neck, as he was loading of it with ſtraw, by the moving of the Horſe, the Horſe & Cart were all adjudged deodands, & not the ſtraw, by reaſon that the ſtraw was not the occaſion of his death: quære differentiã, &c. Et pag. 401. quidam equitando equum ſuum ſe ſubmerſit, equus adjudicat deodand. &c. Hitherto we have ſpoken of things moving which do cauſe deodands. Now let us ſpeak of things not moving, and yet ſhall be deodands. Vide titulo jam dicto p. 409. where a Carter climbing upon one of the wheels of his cart to gather plums, falleth from the cart, whereby he dieth: Et quia teſtatum eſt quod nec equi nec carecta movebant ſe, ideo tantum rota deodand. eſt domino Regi, &c. The ſame Law is, where a man doth fall into a pond of water, which water carrieth him under the utter wheel of a Mill, by which wheel he was oppreſſed and

killed, and the wheel onely in this case was adjudged a deodand, ut patet ibidem pag. 389. Vide ibidem pag. 348. where it is said, if a man fall from a load which is worth a C.li. by the which he receiveth his death, all the same shall be a deodand. And also it appeareth by these cases, that deodands shall be as well of things that move under a man and kill him, as of things which do not move, but the man moveth himself from them. And note, that before it is said, that all things moving with the thing which is the occasion of the death, shall be forfeited. So in like manner, all things not moving with the thing which is the occasion of the death shall not be forfeited: as in part you may perceive by the case of the cart and straw before cited; & titulo Forfeitures in Fitz. 12 R. 2. wherein quædam massa terræ cecidit super hominem & ipsum oppressit, in such sort that he died, and it was adjudged that the said massa terræ onely should be forfeited, and not the hole or pit where he was killed. The same Law is, where a man falleth from his horse, & quasheth his head against a block, whereof he dieth; the horse onely shall be adjudged a deodand, and not the block, in that it moved not at all: qd vide ibidem pag. 341. And also Britton titulo Coron' fol. 6. saith, that if a man fall out of a ship sailing, nothing is the occasion of his death but only the ship; and yet the things moving may be said to be the causes of his death: the merchandise lying at the bottom is not any cause of his death. This ship so sailing

ling ought to be upon the fresh water, &c. for if it should be on the salt water, it seemeth that it should not be a deodand; as it appeareth by Bracton titulo Murder, who saith there in this manner; non deodand. est navis nec battellus nec alia catall' à quibus submersi sunt in mare, nec in salsa; nec wrecum erit, cum sit qui catalla diceret & dicere possit. Et nota, that it seemeth to one by the book before pag. 389. that if he die by misadventure, and be within the age of 14 years, that then nothing shall be forfeit for a deodand, for there presentment was, that A. filius B. ultra 14. an. &c. tamen quære & vide Fitz. titulo de Indictments pag. 27. That where a man was found dead in the field, Belknap said that his appeal should be given to the Church, to pray for his soul, & should not be taken for a deodand. And note that every deodand the sheriffe shall answer, viz. he shall be charged to leby the price thereof of the village, notwithstanding the thing was not delibered to them to keep before, qđ mirū, ut patet ibid. pag. 298. And therefore when such a misadventure is found, the presenters should find, appraise, and value the deodād, and the coroner should return the same in his Inquisition, and in whose custody the same remains: so then the King may know by that Record, of whom to demand it by Processe out of the Crown-office.

It is requisite that the thing that is killed be in rerum natura. And therefore if a man do kill an infant in the mothers belly, that is not Felony, nor he shall not forfeit any thing

for it; and that for two causes: one is, for that the thing that is killed had not the name of Baptism: the other is, for that it is hard and difficult to judge whether he killed it or no, that is to say, whether the infant died of the beating of the mother, or by any other occasion; ut patet titulo Corone, &c. pag. 263. Et vid' there pag. 146. a more strange case, viz. A man did beat a woman great with child of two children, so that immediately one of the infants died, and the other was born alive and baptized by a name, and two days after, for the hurt that she had received, she died: the opinion was as before, that it was not Felony in the man: & vide the same case in Fitz. titulo Indictments pag. 4. But it seemeth, that the reason where it hath no name of baptism is not of any force, for ye may see titulo Corone before pag. 418. that it was presented, quod quædam mulier eundo versus cappellam peperit filium, & statim abscidit gulam, & projecit in stagnum, & fugit, ideo exigatur, & utlaget. for that was homicide, in that the thing killed was in rerum natura before it was killed, and so nothing like the case before, scilicet, where the infant was killed in the mothers belly, &c. the which case Bracton affirmeth for Law, in his division of homicide before, saying in this manner; Si sit aliquis qui mulierem pregnantem percusserit, vel ei venenum dederit, per quod fecerit abortivum puerperium; jam si formatum vel animatum fuerit, & maxim si animatum, facit homicidium. But contrary to this seemeth the Law, as before.

Item,

Item, it is requisite to homicide, that if one beat another whereof he dieth, that that death be within twelve moneths & a day next ensuing the same beating, ut patet pag. 303. The same Law is, if poison be given to one feloniously that he die within the year next after, &c.

It is a common tradition amongst us, That if a Statute-Law give a remedy for any offence, we may understand thereby that before there was no remedy for the same offence at the Common Law, other then is expressed in the said Statute, except we have read any thing that may induce us to believe the contrary. The Statute of Westminster the first, cap. 13. defendeth Rape in this manner, viz. The King defendeth that none shall ravish nor take by force a maid within the age of eleven years with her consent, or without her consent, nor any dame or maid of age, nor other woman, against their wills; and if any so doe, the King shall doe him common right; & if none commence the suit within 40 days, then the King may sue, and those that he shall find culpable shall have two years imprisonment, & after shall be arraigned at the Kings pleasure: and if he be not arraigned, he shall be punished by more longer imprisonment, according to the quality of the trespasse. The Readers of this Statute, if they have not read Glanvill and Bracton, do think that by the common Law Rape was but trespasse, where in truth it was felony, or other more grievous crime. And first Bracton in his second

book of Rape saith in this manner: Raptus virginum est quoddam crimen quod femina imponit alicui de quo dicit esse violenter oppressam contra pacem domini Regis; quod quidem crimen si convincat, sequitur pena, scilicet amissio membrorum, ut sit membrum pro membro, quia tunc cum virgo corrumpitur membrum amittit, & pro corruptor punietur, eo quo delinquit, &c. Here I have expounded that which was the Common Law in Rape before the Statute of Westm. 1. wherewith Glanvill agreeth, fol. 113. Also I find amongst the Laws of St. Edwin, once King of this Realm, this Law, qui cum nunna vel sanctimoniali fornicetur, emendetur sicut homicida. By the which it appeareth, that he that hath committed but fornication with a Nun, or with a holy woman, he should be punished as an Homicide. A multo fortiori then should he be punished if he had ravished. So that Rape at the beginning was much detested, and abhorred, and very great and grievous punishment adioyned thereunto, till the time of King E. 1. who seemeth by his Law made at Westminster 1. to have mitigated the pain of the same; and afterward espying the great enormities that ensued the same Law, at his next Parliament holden at Westminster, called Westm 2. cap. 34. did make the same offence of Rape to be felony. The words of which Statute be these, It is enacted, that if a man doth ravish a woman espoused, a damosell, or any other woman, hereafter, whereunto she neither hath assented before nor after, he shall have

have judgement of life and members. And in like manner, where a man shall ravish a woman, dame espoused, damosel, or any other woman by force, although she assent to the same afterwards, he shall have the like judgement as before is said, so that he be attainted at the kings suit, and in that case the King shall have his suit.

The Statute maketh no definition of rape, but leaveth the same to the common Law. Also it seemeth to make a difference between ravishment with force, and ravishment without force, and therefore quære what manner of fact he intendeth. Britton saith, fol. 45. that if the woman at the time of the rape conceiveth with child by the ravisher, that it is no rape, for that that no woman can conceive if she assent not thereunto. Also Bracton saith, that it is a good plea in an appeal of rape, to say, that before the time of the ravishment supposed to be done, he held and used the plaintiff as his concubine. Also it is a good plea for him to say, that though he did lie with her, yet he knew her not carnally: for that is the force of a declaration in an appeal of Rape. And also note, that if a man be to be charged with rape by way of indictment, or otherwise, he ought to be charged expressly by this word Rapuit, and not by any other words, though they amount to as much as this word Rapuit doth, utputa carnaliter cognovit, & hujusmodi, as it appeareth 19 E. 4. fol. 27. Also there is another Statute concerning rape, made an' 6 E. 2. the which doth put great penalties and

forfeitures upon the woman which consenteth to the ravisher after the ravishment; and yet nevertheless doth give an appeal of Rape to the husband of the wife that is ravished, and if she have no husband, then to her father or to her next of her bloud, and that the defendant shall not gage battell in such appeals.

Of treasure trove.

Bracton saith of treasure found in this manner: Est inter cetera gravis presumptio contra Regem, dignitatem & Coron' suam, quæ quidem est quasi crimen furti, scil. fraudulent' occultatio inventi Thesauri, &c. Note, that Bracton saith here, that the hiding of treasure found is gravis presumptio. So that it seemeth that in ancient time it was doubtfull whether it was felony or not: and therefore it is said, tit' Coron' in Fitz. 187. that the punishment of treasure found is taken away, and is now by imprisonment and fine, and not of life and members, &c.

Et ibidem eodem titulo p. 446. apparet quod thesaurus non competit Regi nisi quando nemo scit quis abscondid' thesaurum, &c. So that if it be known to whom the property is, then the King shall not have it, but he to whom the property thereof belongeth: and it seemeth that if he die before the finding, that his executor shall have the same. Et vide ibidem, quod thesaurus competit domino Regi, & non domino libertatis, si non sit per verba specialia or by prescription. Britton in his book fol. 26. saith, that treasure found in the sea, or upon the land, and not in the earth, appertaineth to the finder, and not to the King, &c. Also

he

he saith, that when a man hath found it, he ought presently to let the Coroner or Coroners of that County understand thereof; or else the Bailiff and the Coroner without delay ought to inquire if any thing thereof be purloined away.

Note, that Britton saith, that Mayhem is properly said, where any member of a man is taken away, whereby he is the more unable to fight, as if the eye, the hand, the foot, or by bruising of the head, or knocking out of the fore teeth: but cutting off the ear or nose is no Mayhem, but a blemish of the body. Seton Justice said 29 E. 3. that every finger of the hand shall be said to be a mayhem, if it be cut off. Item 8 H. 4. ye may see there that it is no mayhem to cut off auriculam hominis, by the which he loseth his hearing; but the knocking out of the teeth is a mayhem, for that with them he may defend himself in battell: and Bracton agreeth therewith, for he saith in this manner, Mahem dici potest ubi quis in aliqua parte sui corporis efficitur mutilatus ad pugnand per illum quem appellat, &c. Of a mayhem.

Note, that these places and territories here expressed and declared are allowed for sanctuaries for felons, if they can get to them before they be taken; viz. Wells in the County of Somerset, Westminster, Manchester, Northampton, Norwich, York, Darby, and Launceston; for all such Felons as may have the benefit of their Clergy by the laws of this Realm, and for none else. For treasons, rapes, burglaries, robberies by the high-way,

or in

or in a house, where any are put in fear, burning of houses or barns, wherein corn is laid, robberies of Churches, Chappels, or other hallowed places, stealing of Horses or Mares, and murther, with their abettors, procurors, and counsellors; all these offences are excepted by the Statutes of 26 H. 8. cap. 13. & 32. ca. 11 H. 6.

What a Sanctuary is.

A Sanctuary is a priviledged place, appointed by the King our Soveraign, for the safeguard of the life of man, which hath offended the Law: and it is grounded upon the Law of mercy, for the great reverence, honour and devotion which the King hath and beareth to the place to which he granteth such priviledge: which in times past was so greatly had in reverence and honour, that offendors in case of Treason, Murther, Rape, and all other offences whatsoever, had the priviledge thereof. Polidore Virgil, in his book intituled de inventione rerum, lib. 3. cap. 12. writeth against this ordinance, touching Moses his Law for his warrant, and saith that he allowed Sanctuary for a man only in this case, where one killed another by chance-medly, not having any malice forethought to doe the same. For in Exodus cap. 21. it is written thus, Si quis per industriam occiderit proximũ suum & per insidias, ab altari modo avell' eum ut moriatur. And therefore it is held that the Kings of this Realm have rather imitated the Laws of Romulus, then of Moses, in granting such large priviledge to malefactors: for it was ordained by Romulus, that every one which

which fled to the Sanctuary in Rome should be discharged of all manner of crimes: which was used here in England before the making of the said stat. of 26 H. 8. and 32 of the same king, &c.

Of a principall and accessory.

Note, that in high treason there is no accessory, but all are principals, ut pat̃ 3 H.7. fo.9. So that what offence soever maketh a man accessory in felony, the same offence in high treason maketh him principall; therefore it is to be seen who shall be accessories in petit treason, or felony, or in other like crimes, in which accessories may be.

Of accessories before the offence committed.

Note, that if one procure or command another to do a felony, but is not present there when the other doth the same; this procurer or commander is but accessory before the felony done, ut patet 7 H. 4. fol. 30. but otherwise it is if he be present at the time and place, when and where the felony is committed, for in that case he is a principall, ut patet 7 H. 4. fol. 13.

The same Law is, if a man be present at the death of a man, and he moveth and setteth on others to wound him and kill him; in this case he is as far forth a principall as he that killed him: qd vide 13 H. 7.

The same law is, if he were present, and cometh thither for the same purpose, though that at the same time he moveth not the other to strike him, or kill him, nor doth any thing himself, yet he shall be adjudged as a principall, ut pat̃ 21 E. 4. Also vide tit. Coron' in Fitz. fol. 309. where it was found that one that was present

prefent, yet did nothing, but would have aided his companion, if the dead perfon had made any reſiſtance, was for that adjudged a principall. And according to this, vide ibm̃ pag. 314, 350, & 433. that all thoſe that come in company in any place or any aſſembly where any evil is done, be it homicide, robbery, or any other treſpaſſe, they all ſhall be accounted as principall doers, though that they do no hurt at all. And therefore a man was condemned in that he was acceſſory where a man was killed, and it was ſaid by twelve that he came not thither to do any evill. And note, that as it was of homicide or murther, even ſo it is of any other felony, as of rape or robbery, quod vide titulo Coron' in Fitzh. 228. & 11 H.4. wherein was an appeal of Rape againſt two as principalls, whereas one did not the act, but aſſiſted and aided his companion to do the ſame: & titulo Coron' in Fitz. fol. 350, & 314. where only one did the robbery, and the others were in his company, and came with him for the ſame purpoſe, &c. But if one do chance to be preſent when another is ſlain, or when another felony is committed, and cometh not in the company of the felons, nor is of their confederacy, although he withſtand not, or diſturbeth not the felon, nor levieth hue and cry, yet he ſhall not be ſaid either principall or acceſſory: for it is not felony in him, but finable as a treſpaſſe. And if ſuch a man be within age, he ſhall have no puniſhment: qd' vide titulo Coron' 395. & 14 H.7. f.33. & vide titulo præd' 293. where ſuch a man

a man that was of full age was but amerced in ſuch a caſe, &c. Tamen 314. ibid', it appeareth that ſuch ſufferance is felony, and ſo was the opinion of Shard 197. but it is againſt the Law, as it appeareth in the books before cited, &c.

Alſo if A. hold B. in his arms till ſuch time as C. killeth him, A. for that cauſe is principall, ut pat̃ 15 E. 3. And note ye, that the Law at this day as concerning acceſſories is as you have heard before, though that in ancient time ſome Judges did vary in their opinions for Law in that point: for it appeareth tit̃ Corone in Fitz. 90. & 216. that in the fortieth year of Edward the third, they took the Law to be, That he that was preſent when any was ſlain, and aiding and commanding the killer, ſhould not be principall, but acceſſorie, &c. And in that they did agree with Bracton, who ſaith in this manner, Si omnes preſentes ſunt etiam de forcia quam de facto, &c. And after the attainder of the principall fact, he goeth to thoſe that be appealed of force, and maketh the appeal in this manner, viz. A. appellat B. de forcia, quod cum ipſe A. & C. frater ſuus eſſent in tali loco, &c. Alſo he ſaith in another place, that if two be appealed as Acceſſories to a third perſon, ſcilicet, one of force, and the other of commandment, they ſhall wage battell, before he ſhall that is appealed of commandment, Quia forcia quodammodo in ſe attinet factum id qd̃ non facit preceptum. And ſo by him that is preſent when one is killed, and being counſelling,

felling, aiding, or in any other manner assisting, so that he slayeth him not himself, he is then but accessory, &c. And with him agreeth the Statute called Officium Coron', made the third year of King Edward the first, at Westminster the first: but the Law is not so at this day; and yet the account in every Appeal against the principall is, that every one principally did help, and did strike the party slain, deadly. But to that may be said, That those words be but words of form, and also it is his help in Law, &c. If I command one to take another, and he goeth from me, and taketh him and robbeth him; if I be absent when he doth the same, that is not felony in me, ut patet titulo Coron' in Fitz. for that he exceedeth my commandment, and my commandment might have been performed without robbery, &c.

But if I command one to beat another, and thereupon he beateth him to death, that shall be felony in me that command, ut pat̃ ibm̃ 314 for it is difficult and hard to beat a man in such sort that it shall be said he shall not die of such beating, &c. therefore in such case I am accessory to him that killeth him, by reason that it was done upon my commandment, &c.

Accessories after the offence committed.

That is, where one receiveth a Felon, well knowing of the felony that he hath committed, or favoureth him, or aideth him, he thereby shall be said to be an Accessory after the fact. But distinguend' est of this aid or counsell: for if he aid him with his good word,

and

and ſueth for his delivery, or ſendeth letters for his deliverance, that maketh him not to be acceſſory to the felony: ut patet titulo Corone in Fitzh. pag. 195, &c. May, this definition is to be made of an Acceſſory, it extendeth onely to thoſe that be Acceſſories to a principall attainted: for if after the attainder one receiveth and aideth him, that is, after he be convicted of the felony by verdict, outlawry, or confeſſion, he ſeemeth to be an Acceſſory, though that he knew not him to be a felon, in that he is a Felon by matter of Record, of the which every ſtranger is driven to take cogniſance. Tamen quære: for ye ſhall find titulo præd' pag. 377. one note, which is thus, ſcilicet; Note ye, that when a man is indicted for the receiving of a man outlawed for felony in the ſame County, then he ſhall loſe both life and members: Secus eſſet in alio com̃, &c. Ergo thereof inſueth, that if one be outlawed for felony in one County, and another receiveth him in another County; he ſhall not be acceſſory, for that he cannot take cogniſance of that which was done in another County, though that it be matter of Record, &c. And agreeable to this Note, I find in Bracton written thus, Si quis talem poſt utlagationem ſcienter paverit, vel cum eo convictaverit, receptaverit aliquomodo, vel jam occultaverit: eadem pena puniri debet qua puniretur utlagatus, &c. So that it ſeemeth he maketh no difference between matter in fact and matter of record, &c. in that he maketh ſcienter material in the caſe, &c. And note ye, that

by

by the Common Law, if one commit Felony in one County, and before his attainder one other receiveth him feloniously in another County, that was not felony in the receiver for default of triall, in that those of the County where the Accessory offended could not have cognisance of the principall offence committed in another County: quod vide titul' Corone pag. 33. & 43 Ed. 3. Wherefore a Statute-Law was made annis 2 & 3 Ed. 6. which is in this manner: Forasmuch as the most necessary office and duty of Laws is, to preserve the life of man, and condignly to punish such persons that unlawfully and wilfully murther, slay & destroy men, &c. Note the preamble of this statute. And also it is a common practice amongst arrant thieves and robbers in this Realm, that after they have robbed and stoln in one county, they will convey their spoil, and part thereof so stoln, to some of their adherents in another County, where the principall offence was not committed, nor done, &c. By this preamble it appeareth, that if one feloniously received parcell of the goods stoln, that he shall be thereby an accessory, &c. Quer̄ thereof: for ye shall find titulo Coron' in Fitz. pag. 126. that one shall not be accessory for receiving of goods stoln onely, if he receive not also the felon himself. And therefore the Indictment was there, qd' sciens, &c. felonice receptavit latronem, &c. and he was discharged thereof, ratione jam dict'. But if he had as well received the felon himself, as the goods, then otherwise it were, ut patet 9 H. 4. fol.

fol. 1. & tit Coron' in Fitz. pag. 427. where a Felon did fly to his brothers house, and his brother did shut the doz, and the Countrie that pursued him were deceived thereby, for they did conjecture that he had continued in the house, when he did fly thence to the Church: whereupon his brother was adjudged accessorie to that felony, &c. ut pat ibidem pag. 196. that a man may be an Accessory to an Accessory: As if a man feloniously do receive him that is an Accessory to a Felon, &c. Also it appeareth there pag. 48. that he that receiveth an accessory of a felony, is principall, and not accessory, &c. And the reason thereof as I understand, is, for that by this receit, a new Felony is committed by him, though that it dependeth upon the ancient and former felony, &c. And note ye, that Bracton counteth an accessory receptor malorum, &c. ut supra c. 19. f. 26. and saith, that a woman cannot be accessorie to her husband.

I have already intreated of accessories by the Common Law, now therefore I will entreat of Accessories by the Statute Law. It seemeth though an offence be made felony by Statute, though the same stat. doth not speak expresly of abettors, procurors, counsellours, and receivers, yet shall it be taken to be within the compasse of that Statute: as it appeareth in the title of Treason, 19 H. 6. where the consenter and aider to the counterfeiting of the great seal, privy seal, or the Kings money, was adjudged a Traitor: And yet the words of the statute are, if a man do counter-

Accessories by Statute.

feit, &c. the which thing the other seemeth not to have done, in that he was not but consenting and aiding to the same, &c. The same Law is in case of rape, where one did the fact, & another assisted him and aided him to commit the rape, he thereby is a ravisher as far forth as his companion which did the rape indeed, as it appeareth 11 H. 4. & tit Coron' in Fitz. pag. 120. And yet notwithstanding the words of the Statute of Westm. 2. ca. 3, 4. are, if a man ravish a woman, &c. But he was the cause of the rape, without which perhaps the rape had not been committed: & a principall doer, in that he was present when the fact was done, & therefore as well culpable of the fact as the principal doer is. And if any be acquitted of a principal fact, he is then acquitted of all offences as Accessory before the principall fact committed, but not of offences perpetrated as Accessory after the principall fact done, as it shall appear after. And therefore some will argue in this case, although that Accessory before the offence committed, be taken to be within the compasse of a statute that maketh felony, though they be not expressed, for the reason before made; yet notwithstanding that proveth not that accessory after the offence perpetrated should be within the compasse of such a statute, if it be not expressed. But howsoever it be, those of the Parliament in the time of King H. 8. provided for the same, as it appeareth as well by the Statute of Hunting. anno 32 H. 8. as by other statutes which at this instant are not in force. And by a Statute

tute made in the first and second year of P. & M. against unlawfull and rebellious assemblies, which Statute as yet is in force; and by a Statute made 1 M. concerning Egyptians, as yet also being in force, the which statute prohibeth as well for Accessories before the offence perpetrated, as after. Vide the statute of 3 H. 7. of those that take maids, widows, or wives, against their wills, where the words are, that such taking, procuring and abetting to the same, and also receiving wittingly the said woman so taken against her will, and knowing the same, is felony: and that such misdoers, takers, procurers, and receivers to the same, knowing the said offence in form aforesaid, be henceforth reputed and judged as principall felons. Note, as it seemeth, there is no Accessory in this offence upon the Statute, in that by the words they be reputed and judged as principal felons, which maketh them as it seemeth all principalls, &c.

Note, that in an appeal of Mayhem, the plaintiff may chuse to make every of them principalls; or him only that did hurt him to be principall, and the others Accessories, ut pat̃ 215, 221, & 199.

There are three sorts of attainders, viz. by confession, by verdict, and default or outlawry; and in all these cases the principall ought to be attainted before the Accessory. But in the manner of proceeding to this attaint, there are diversities of opinions: for Bracton saith upon the attainder by process in this manner,

How the principall shall first be attainted, and after the accessories.

causæ quidem utlagationis possunt esse mult &c. So that it appeareth, that at that time there was diversities of opinions about the manner of attainder of Accessories by Outlawry, which diversity was taken away by the Stat. of Westminster the first, the which is thus, viz. And for that that men have used in some Countries to outlaw the People appealed of commandment, force, aid, & receiptment, within the same term in which a man should outlaw him that is appealed of the fact as principall, It is provided and commanded by the King, that none be outlawed for appeal of commandment, force, aid, or receiptment, untill he that is appealed of the fact be attainted: so that one onely Law thereof be throughout the whole Land, &c. But he that will appeal, should not therefore cease to continue his appeal at the next County against those, as well as against the Appellees of the fact; but the Exigent against them shall stay untill such time as the Appellees of the fact be attainted by outlawry or otherwise. This statute is not to be understood of Appeals commenced by bill: for of Appeals commenced by writ, there appeareth not any to be Accessory till such time as the count be made, the which is not made, till such time as there be also appearance for the Accessory, ut patet 43 Edw. 3. fol. 15. Wherefore in that case where an Appeal is commenced by Writ, if the Plaintiff will pray the Exigent against all, he is thereby concluded to count after, against any one of them as Accessory, for if o-

therwise,

therwiſe, &c. he ſhould not have the Exigent againſt all them untill the principall had been outlawed, for in that caſe he is concluded, ut patet tit Coron' in Fitzh. pag. 80. This ſtatute willeth that the Appellee of the fact be attainted before the Acceſſory ſhall be outlawed. Admit then, that at the time when the acceſſory is at the Exigent, the principall appeareth, if then the Exigent ſhall be awarded againſt the Acceſſory, till that the Proceſs againſt the principall be determined, &c. it ſeemeth not; for notwithſtanding that the Proceſs be determined, yet the principall is not attainted; and untill ſuch time as he be attainted, the acceſſory ought not to be outlawed, ut ſupra 7 H. 4. fol. 31. That which is ſaid extendeth to that where the acceſſory doth not appear, but maketh default: wherefore now let us ſee what ſhall be done when the acceſſory appeareth in judgement, and the principall alſo: and in reſpect thereof, note you, that by the ancient Law, the Acceſſory ſhould not be put to anſwer till ſuch time as the principall had been attainted, ut patet per Bracton, Si omnes preſentes ſunt tam de forcia quam de fact', procedatur contra omnes per ordinem, dum tamen illi de forcia non reſpondeant antequam ille de facto convincatur, &c. And agreeable unto him is the Book of 44 Ed. 3. f. 9. & tit Coron' in Fitz. 216. but ſince that time the Law hath been changed, &c. for now, be it that the principall appear, or make default, the Acceſſory, if he appear, ſhall anſwer: but if he plead to an iſſue, proceſs ſhall ceaſe to be awarded againſt

him for his triall, untill the Principall do appear, or be attainted of outlawry, ut pat 9 H. 4. & 7 H. 4. But yet those Process against the Jury shall not cease, unless the Accessory will: for if the Accessory will pray Processe against the inquest, before the principall be attainted, he shall have them, in that it is dammage to none but himself. And whether he be attainted or acquitted, it is good, and he shall not be again arraigned for that offence: for the taking of the inquest or verdict is not erroneous for the reason before made, ut patet titulo Coron' 463. The same Law is, if the Accessory will wage his battell with the Appellant before the Principall doth come, ut patet ibidem pag. 8. for he may waive the benefit that the Law doth give him therein, &c.

Note ye, that if the plea which the Accessory doth plead be a plea in abatement of the whole writ, the principall therein shall have the advantage, notwithstanding his absence, so that the Exigent that is to be awarded against the principall shall stay till it be known whether the whole writ shall abate or not, ut patet 9 H. 4. But if they both do appear, viz. the principall and the accessory, then the principall must first answer, and after the accessory: for such answer the Principall may make, that the Accessory shall not be put to answer till the answer of the principall be tried. And that is where the principal doth not plead directly to the felony, but some other plea: as if he plead that he was once before attainted of the same felony, and the appellant to the

contrary,

contrary, that it is not so, & so they are at issue: in this case the accessory shall not answer before that issue be tried, 9 H. 7. Quære if the like law be where the Principall pleadeth in abatement of the whole writ, &c. But if the Principall plead to the felony, the accessory then presently after such plea shall plead also. And if they be at issue, a Venire fac' may be awarded against them all, ut patet tit' Coron', where Forteſcue saith, that if at the day in the Court the Principall maketh default, the Inquest shall not be taken for the accessory, but that the inquest shall go without day, & the principalls, manucaptors or sureties, shall make their fine, &c. And that agreeth with that which was said before, scilicet, that the Inquest shall stay for the accessory, till such time as the principall cometh to be attainted by Outlawry, &c. Note, when I speak of the principall, I mean then all the principalls; for if there be divers sued as principalls, and some of them do come, and some do not, yet the Inquest shall stay untill all the principalls do come, or be attainted of outlawry, if it be so that he be appealed or indicted as accessory unto them all: otherwise it is if he be not appealed or indicted but as accessory to one of them, for there it sufficeth those principalls onely to come, or to be attainted, for whom he is appealed or indicted as accessory, without having regard to the residue; quod vid. 7 H. 4. fol. 30. & tit Coron' in Fitzh. 216. Also note ye, that it is requisite that this attainder of the Principall be in the same suit in the which the accessories

be ſued: for if it be in another ſuit, that will not permit the acceſſory to proceed in his inqueſt till ſuch time as the Principall that is ſued with him do come in, or be attainted by Proceſs, as is aforeſaid. And in an Appeal of death againſt the Principall and the Acceſſory, the Principall before that time is attainted of the very ſame death upon an Indictment at the Kings ſuit, ut pat̃ 7 H.4. fol.30. Quære, if the acceſſory ſhall plead for his diſcharge the acquitall of the principall in another ſuit, ut pat̃ 277. Alſo it ſæmeth, that if the principall ſince that attainder is dead, and the Juſtices before whom ſuch Acceſſory is ſued have before them the record of the attainder, that then they may proceed againſt the Acceſſory, otherwiſe not, 7 Hen. 4. fol. 23. We have ſaid before, that the Inqueſt ſhall not proceed againſt the Acceſſory, till ſuch time as the principall do come in, or be attainted, &c. Admit then that the principall doth come in, and will ſay nothing, but ſtand mute, what ſhall in that caſe be done with the acceſſory? Huſſey ſaith, 3 Hen. 7. that that notwithſtanding, the acceſſory ſhall be arraigned: quod vide titulo Coron. 36. & 51. where the principal challengeth above the number of 36, which was peremptory to him, therefore he was hanged without farther triall, becauſe he ſhould challenge but juſt 36, or under, and not above; & in that caſe the acceſſory was tried, & found guilty: & the Juſtices did adviſe with themſelves what ſhould be done in that caſe, for they were of divers opinions, &c.

This

This Attainder whereof we have so often spoken, though that it be erroneous, yet notwithstanding that Court shall proceed with the Accessory, for the Accessory shall utterly take advantage of that error: quod vide anno 2 R. 3. fol. 21. Also there is one case, that although the Principall be not attainted, yet the Accessory shall be hanged. As if one abiure as Accessory, and afterward the Principall cometh, not being attainted, Tamen the Justices in favor' vitæ did inquire if the Accessory was attainted or not. The same law shall be in the cases abovesaid, as it seemeth, where the Accessory of his own good will will wage battell, or have the Inquest proceed, before the Principall doth come, &c.

Whether the acquitall of the principall discharge the accessory, or not.

Note, that if the principall be acquitted, the Accessory is thereby discharged: for Bracton saith, ibi fact' nullum, forcia nulla, nec præcept. nocere debet, ubi injuria null' habuit effectum, &c. Wherefore it is clear that the acquitall of the principall is also the acquitall of the Accessory. Or if it happen that the Principall cannot be tried, as if he die in prison before he be attainted, thereby the Accessory is discharged: otherwise it is if he die after the attainder, &c. The same law is, if before the Principall be attainted of the felony, he is attainted of another felony and hanged, the Accessory hereby is discharged, ut patet tit Coron' in Fitz. 378. The same Law is, though he be not hanged after the attainder, in that case he shall answer to any other Felony, unless it be Robbery or Treason. The same Law is, if it be found

found that the Principall killed him se defendendo, the Accessory is thereby discharged, ut patet 116. Et tamen there the Principall purchaseth his Pardon, &c. But that Pardon argueth not that he is culpable in any other manner then se defendendo. But of other pardons otherwise it is: for if the Principall doth plead his Pardon to a felony generally, without any speciall matter found, the which should cause the Pardon, and is thereby discharged, yet that shall not discharge the Accessory, but he shall be found guilty of the felony; ut pat tit' præd. 260. For by such a pardon the felony is confessed, of which felony he prayeth to be discharged ex gratia Regis, and not by course of the Law, as it was done in the other case. Quære tamen, for the contrary is agreed by way of argument 3 H. 7. tit præd 53. and also by the opinion of Thym. 7 H. 4. fol. 13. And his reason is, that when the life of the Principall is given him by the Law, in what manner soever it be, the felony is extinct in his person, and by consequence acquitted.

And so it shall be where the Principall taketh him to his Clergy. And with this case agreeth the book of 3 H. 7. f. 2. Tamen Fitz. tit præd. 53. hath reported that book of 3 H. 7. to the contrary, sc. that notwithstanding that the Principall shall have his Clergy, yet the Accessory shall be hanged. And according to that ye shall finde ibm 270. & 266. Sed distinguendum est of the case of the clergy, sc. whether he be clerk convict, or clerk attaint. For if he be Clerk attaint, by the ancient Books the Acces-

sory

ſozy ſhall be hanged, foz that the Pzincipall in that caſe cannot at any time make his purgation: and otherwiſe perchance if he were Clerk convict, in that the Clerk convict may make his purgation. Wherefoze in that caſe they did uſe to let Acceſſozies to mainpzize, untill ſuch time as the Pzincipall had made his purgation, &c. ut patet tit Cor 145,176, 252, 376,193. & 7 H.4.fol.13.& 13 E.4.fol.3. and then upon his purgation to diſcharge the Acceſſozy; and if he died oz eſcaped befoze purgation, &c. then to pzoceed to the attainder of the Acceſſozy, &c. Quære if the difference will hold place at this day in that in the new Bwks, befoze they have expugnancie of opinion in the caſe where purgation is to be done, that is to ſay, in the caſe of a Clerk convict: foz ſome would in that caſe that the Acceſſozy ſhould be diſcharged, and ſome would not. So that in that caſe of the Clergy, and of the pardon, the new Bwks and the old agree not.

Pote, where it is ſaid befoze, that the acquitall of the Pzincipall is alſo the acquitall of the Acceſſozy, that is to be underſtood, if it be not in appeal when the Acceſſozy is to recober dammages; foz if he will recober dammages, he ought to be tried notwithſtanding the acquitall of the Pzincipall, ut patet in Fitz. pag. 223. Quære if that be Law now by uſe: foz it ſeemeth reaſonable, that he ſhould habe his dammages upon the acquitall of the Pzincipall without being tried, oz otherwiſe ſhould enſue, that the Court would admit an Acceſſozy, whereto then it appeareth that there is no

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Principall; which should be inconvenient, for as Bracton hath well said, Non possunt appellantes, primo & principali appellato omisso, jungere duellum, cum appellantes de forcia & precept, &c. In my Lord Cokes 4. Book of Reports, fol. 44. in an appeal brought by one Bibithes, termino Paschæ anno 39 Eliz. it is there resolved for Law, that although the Principall was convicted by verdict, yet insomuch that he had his Clergy, his Accessories both before and after the felony were discharged. And the same law is there resolved, if a Principall upon his arraignment confesse the felony, and before judgement gets a pardon, or hath his Clergy allowed him, the Accessory thereupon is discharged. 2 E. 3. 27. 22 E. 3. tit. Coron' 260. 5 H. 4. 16. 19 H. 4. 5. 3 H. 7. 1. & 3 H. 7. tit. Coron' 53.

Qd nota.

An appeal of murther and robbery. South.

A. G. vid. nuper ux' R. G. in propria persona sua instanter appellat M. D. nuper de N. in comitatu S. yeoman, & I. B. nuper de A. in comitatu pred. yeoman, in custodia T. P. milit vic' com. predict. existen', & ad barram duct' in propria persona sua, de mort predict. R. nuper viri sui, de eo qd ubi idem R. G. 28. die A. anno, &c. fuit in pace dei & dicti domini reg. operans & laborans in comburend. carbones in terra I. G. milit voc' S. in quodam loco ibid. voc' a Cole-place, apud C. in com. prædict. ibi vener. præd M. D. & I. B. & felon' ut fel' dict' dom. reg. & de insulsu & malicia præcogitat. ac ad intention' præd. R. G. de bonis & de denariis suis depredand. & spoliand. in eundem R. G. præd. 28. die A. & anno 30. suprad. circa horam 9. post

9. poſt meridiem ejuſd. diei, vi & armis, viz. baculis, cultellis, &c. apud C. præd. in prædict' loco inſultum fecerunt, & eund. R. G. adtunc & ibidem felonice & voluntarie interfecer' & murdraver', & eunđ R. ſic interfect' abinde incontinenter aſportaver uſque quendam boſcum voc. &c. diſtan' à præd. loco circa decem per exiſten. in parochia de T. in eodem Com. ac ipſum ibidem in ſilveſtre loco roborum abſcondiderunt & projecerunt, ac guttur ſuum adtunc & ibidem ſciderunt, contra pacem dicti domini regis, coron. & dignitat. ſuas. Et quam cito iidem felones feloniam & murdrum prædict. feciſſent fugerunt, & prædict. A. ipſos recenter inſecut. fuit de villa in villam uſque quatuor villas propinquiores, & ulterius quouſque, &c. Et ſi prædict. M. D. & I. B. feloniam & murdr. prædict. in forma prædict. fact. dedicer. velint, tum prædict. A. parat. eſt felon. & murdr. præd. verſus eos probare, prout cur. hic conc. & invenit pleg. de proſeq Appell. illud, viz. I. W. & C. E. &c.

E. P. de H. in Comitatu præd. Yeoman in propria perſona ſua, juxta formam Statuti in Parliamento dom reg. R. nuper regis Ang. ſecunđ poſt Conqueſt. apud Weſtmonaſterium anno regni ſui ſexto ten edit, inſtanter appellat I. B. nuper de H. in priſona, &c. de eo quod ubi I. uxor prædict' E. P. fuit in pace dei & domini Regis nunc apud H. in comitatu prædict' die, &c. anno, &c. circa horam, &c. ibi venit præđ I. B. felonice, ut felo Dom Reg. nunc inſidiand & inſul premedit contra pacem ejuſdem domin' regis, coron' & dignitat ſuas, die, anno,

anno, hora & loco præd. & præd I. adtunc & ibidem felonice rapuit, & cum ea adtunc & ibidem carnaliter concubuit: & eadem I. eidem I. B. poſt raptum prædictum in forma prædicta perpetrat̃, ſcilicet, &c. die & anno, &c. de perpetratione ejuſdem raptus conſenſit, & eum pro eodem raptu juxta debitam legis formam punire omnino recuſavit. Et quam cito, &c.

Appeal de raptu, per prox. de ſanguine.

W. L. proxim̃ de ſanguine I. filiæ & hæred̃ T. L. jam defunct', ſcilicet frater præd' T. L. patris præd' I. felonice rapt̃, in propria perſona ſua inſtanter appellat R. P. de K. in comit̃ S. Yeoman & in cuſtodia, &c. juxta formam ſtatuti in Parliam' dom. Rich. nuper regis Angl' ſecund' poſt conqueſtū, An. regni ſui ſexto tent̃ edit̃, de rapt̃ præd. I. & pacis Domin' Regis nunc fract. de eo quod ubi prædict. I. fuit in pace Dei & Domin' Regis nunc apud M. in com̃ E. die, &c. anno, &c. circa horam, &c. ibi venit prædict' R. ut felo domini regis, nunc inſidiand' & inſult̃ præmedit̃ contra pacem dict' domini Regis, coron' & dignitatem ſuas, die, anno, hora & loco præd. & præd' I. felonice rapuit, contra formam ſtatuti præd. &c. Et quam cito, &c.

I. A. in propria perſona ſua appellat R. L. de D. in com̃ S. Yeoman, de eo quod ubi idem I. A. fuit in pace dei & domini regis nunc apud C. in com̃ præd. die, &c. anno, &c. circa horam octavam poſt meridiem ejuſdem diei, ibi ven' prædict' R. felon' ut felo dict' domini Regis ibidem, inſidiand̃ inſult̃ præmedit̃, & contra pacem dict' domini regis, coronam & dignitatem ſuas;

as, die, anno, hora, villa & comit̃ prædict̃is, quadam ſagitta ſagittavit præfat̃ I. A. in genu ſiniſtro, per quod venæ & nervi ejuſdem genu totalit̃ exſiccat̃ fuerunt, & ſic ipſum felonice maihemavit. Et quam cito, &c. Et ſi, &c. Idem I. hoc parat̃ eſt verſus eum probare prout cur. &c.

D. B. in propria perſona ſua inſtanter appellat R. E. de amputation' linguæ ipſius D. & pace domin' regis fract. pro eo viz. quod cum per quoddam ſtatut̃ in Parliament̃ H. 4. nuper regis Angl' anno regni ſui quinto apud Weſtm̃ tent̃ edit̃ ordinat̃ ſit, quod malefactores qui linguas hominum amputarent vel oculos eruerent legeorum domin' Regis, hoc debit' probat̃ & cõperẽ quod tale fact' ex malitia præcogitat̃ fuit perpetrat̃, penam felon' incurrerent, prout in ſtatuto prædict' plenius continetur: Ac ubi prædict' D. fuit in pace dei & domini Regis nunc apud H. in comitat̃ præd̃ die & anno, &c. circa horam, &c. ibi venit prædict' R. E. felonice, ut felo domini regis, inſidiand̃ & inſult̃ præmeditat̃ contra pacem domin' regis, coron' & dignitat̃ ſuas, die, anno, hora, loco, & comitat̃ prædict'. & cum quodam cultello quem tenuit in manu ſua dextra linguam ipſius D. felonice amputavit. Et quam cito, &c.

Memorand̃ quod die Martis, &c. I. R. nuper de L. &c. diverſ. felon' coram domino rege apud W. feciſſe cognovit, petendo coron' dom̃ Regis ſibi pro commodo ipſius regis & regni ſui aſſignari, & probat̃ dict' R. devenit. Et ſuper hoc ego I. W. coron' domin' regis, &c. ei aſſign' fuer̃ p cur̃ ad recordand̃ ea que dictus probator coram me dicere ſeu cognoſcere voluerit; & dat̃ fuer̃ dies per

Where a felon appeals, and calls for the Coroner.

per cur̃ eidem probatori pro diebus ſuis appellandꝫ, ſcil. die Lunæ, Martis & Mercur̃ tunc prox' ſequen'. Et poſtea, ſcil. die Lunæ prædꝫ coram me præf. coron. apud W. venit probator ſub cuſtodꝫ Marr̃ dom. Regis in propria perſona ſua, & appellat T. C. nuper de L. & H. R. nuper de S. &c. de eo qꝺ prædꝫ T. C. ſimul cum̃ ipſo probator̃ circa primum diem S. anno, &c. apud B. in com̃ M. unam peciam argenti ad valent̃ xxx ſolidꝫ de bonis & catallis A. B. ibidem, &c. felonice furat̃ fuerint. Et præd. H. R. ſciens ipſos T. C. & Probatorem feloniam illam ſic feciſſe, ipſos apud B. prædꝫ. quarto die tunc prox' ſequen' felon' receptavit, & peciam Argenti predict' de ipſis emit, &c.

Idem modus obſervetur in aliis ſimilibus, &c.

Alias: ſcilicet die Jovis proxim̃, &c. anno, &c. apud O. I. B. nuper de H. yeoman, coram L. M. & ſociis ſuis Juſticiar̃ dom̃ Regis ad pacem in comitatu predict' conſervandꝫ aſſign' indictat̃ de eo quod ipſe die & anno, &c. (recitando Indictament̃) contra pacem domini Regis, coram prefat̃ Juſtic' allocat̃ qualit̃ ſe vellet inde acquietare, felon' predict' cognovit, & probator dom̃ Regis devenit, petendo coronatorem dom̃ Regis ſibi aſſignari: ſuper quo ego I. W. unus coron' dom. Regis comit̃ predict' ei aſſign' fui ad audiend' & recordand' ea que ipſe pro commodo ipſius Regis dicere aut coram me cognoſcere vellet. Et poſtea, ſcilicet tali die, &c. dixit coram me prefat̃ coron' apud E. predict' probator, quod W. I. de L. in comitatu L. yeoman, ac idem probator, in Regia via inter W. & B.

& B. ad diſtanc' decem milliarium de B. predict' decim̃ die, &c. anno, &c. in quendam I. B. inſultum fecer̃, verberaver̃ & maletractaver̃, & ſex marcas ſterling in pecuniis numer̃ de bonis & catall' ipſius I. W. tum & ibm̃ inventis felonice ceperunt & depredati fuer̃. Unde idem probat̃ pref. W. I. appellat, &c.

Hoc audis, dom̃ coronator, quod ego B. C. ſim latro unius equi, vel alter̃ rei, vel homicida unius hominis vel plurimorum, & felo dom̃ Jac. Regis Angliæ, &c. Et quia multa mala & latrocinia p-petravi in hac terra, abjur̃ regnum domin' Jac. Regis Angliæ, &c. Et debeo me feſtinare verſus portum de tali loco quem dediſti mihi; & quod non debeo divertere ab alta via: & ſi faciam, volo quod ſim captus ſicut latro & felonus domin' Regis. Et quod apud talem locum quæram diligenter tranſitum meum, & non expectabo ibi niſi fluxum & refluxum unum, ſi tranſit̃ habere poter̃. Et niſi tanto ſpacio abire potero, ibo quolibet die in mare uſque ad genua mea, temptans tranſire: & niſi hoc potero infra xl. dies continuos, mittam me interim in Eccleſiam, ſicut latro & felonus domin' Regis. Sic me Deus adjuvet ſecundum judicium.

But it ſæmeth by the ſtatute of 22 H. 8. that this kind of Abjuration is taken away, and that it was the Kings pleaſure that ſuch perſon which did abjure ſhould be abjured from all his ability, to ſome Sanctuary within this Realm, there to continue during his life, and that he ſhould be burnt in the right hand with this letter A. to the end he might be known to

be an abjured person; and if after he was taken abroad out of the Sanctuary, then he should undergoe such punishment as persons abjured did before the making of the said Statute. And if any felon refuse to abjure before the Coroner, he shall lose the benefit of the Sanctuary, by the Statute of 21 H. 8. cap. 2.

This hear you, Sir Coroner, that I J. M. of Y. in the county of S. am a Popish Recusant, and in contempt of the Laws and statutes of this Realm of England, I have and do refuse to come to hear Divine service there read and exercised. I do therefore, according to the intent & meaning of the statute made in the xxth. year of Queen Elizabeth late Queen of this Realm of England, abjure the land and Realms of King James, now King of England, Scotland, France and Ireland. And I shall haste me towards the Port of P. which you have given and assigned to me; and that I shall not goe out of the high-way leading thither, nor return back again: & if I do, I will that I be taken as a felon of our said Lord the King. And that at P. I will diligently seek for passage, & I will tarry there but one flood & ebbe, if I can have passage; & unlesse I can have it in such peace, I will goe every day into the Sea up to my knees, assaying to passe over. So God me help and his holy Judgement, &c.

The form of a Certificate of an Abjuration.

Memorand quod accidit apud E. in com. S. die Sabbat. scil. vicesimo die I. anno, &c. quidam R. S. super de P. in com. L. yeoman cepit ecclesiam parochialem de P. prædict' pro immunitat & tuitione sacrosanct' Eccles. in ead habend action diversa-

diverſarum p ipſum p̄antea factarū, & petiit Coron' dom̄ Regis ſibi adduci. Super quo ego I. W. unus coron' dom̄ Regis comitat' pred̄, acceſſi ad ipſum R. in eccleſia pred' ſic exiſten'; & ipſe coram me dict' die Sabbat̄ in Eccleſia predict' fatebatur & voluntarie cognovit, quod ipſe 27. die Maii tunc ultimo preterito apud L. in parochia ſanct̄ S. in warda de F. unum maſerum cū argent̄ coopertum cujuſdam I. B. in domo ipſius I. ibid̄ exiſten' ad valen' xxx. ſ. felonice furatus fuit, ob quam feloniam petiit à me prefat̄ coron' regnum Angl' abjurare. Sup quo tradito ei libro p. me prefat̄ coronatorem, idem R. regn' pred̄ coram me predict' die Sabbat̄ in eccleſ. pred̄ abjuravit, in idem regnum nunquam redit̄ abſque ſpeciali licentia & reconciliation' regn̄ Angl. Et aſſign. eſt eidem R. pro tranſitu ſuo extra regnum portus Dover, & cruce in manu ſua dextra poſit̄ prout lex Angliæ eſt & conſuetudo, &c.

Et ſuper hoc ven' pred' G. & dic. quod ipſe 14. die I. anno, &c. cepit eccleſiam ſancti G. apud S. in com' pred' pro diverſis felon' p ipſum preantea perpetrat̄ pro ſalvation' vitæ ſuæ & tuitione ſacroſanctæ eccleſiæ, petitque privilegium eccleſiæ illius. Et quod I. L. & al' eidem G. ignot̄ ipſum adtunc & ibm̄ extra eccleſiam pred̄ violent̄ & contra voluntat̄ ſuā ceper̄ & abduxer̄. Et hoc, &c. Et petit reſtitui, &c. Et, &c. ad felon' non cul'.

Ubi unus capt' fuit extra Sanctuar' & petit reſtitui.

Inquiſitio Indentat̄ capt̄ apud B. in com̄ pred̄ die Martis, videlicet 21. die Decembris, anno Reginæ dominæ noſtræ Elizabeth. Dei gratia

An inquiſition in Murther. South.

gratia Angliæ, Franciæ & Hiberniæ Reginæ, fidei defenſor̃, &c. xviii. coram me I. S. gener̃ uno Coronat' dictæ dominæ Reginæ comitat̃ prædict' ſuper viſum corporis cujuſdam E. S. generoſ. ibidem mortui jacen' per ſacramentum I. S. &c. Jurat̃ triat̃ & onerat̃ ad inquirendum qualiter & quomodo predict' E. S. ad mortem ſuam devenit. Qui dicunt ſuper ſacramentum ſuum, quod I. H. de S. in Comitatu predicto yeoman, quarto die Auguſti, anno regni dictæ dominæ Reginæ viceſimo, apud B. predictam in Comitatu predicto circa horam decimam ante meridiem ejuſdem diei, Deum præ oculis ſuis non habens, ſed inſtigatione diabolica ſeduct. & mot̃, ex malicia ſua precogitata felonice, ut felo dictæ dominæ Reginæ, in & ſuper dictum E. S. in pace Dei & dictæ dominæ Reginæ exiſten' adtunc & ibidem vi & armis inſultum & affiniam fecit; & quod predictus I. H. cum quodam gladio, Anglice vocat̃ a Sword, valoris quinque ſolidorum, quem idem I. H. in manu ſua dextra adtunc & ibidem tenebat, adtunc & ibidem prefatum E. S. felonice percuſſit, & cum gladio predicto dedit eidem E. S. adtunc & ibidem unam plagam mortalem ſuper ſiniſtrum genu ipſius E. totaliter abſcindens quoddam os predict' genu ipſius E. Anglice vocat̃ the panne of the knee, longitudinis quatuor pollicum, latitudinis duorum pollicũ, & profunditatis duorum pollicum; de qua quidem plaga mortali idem E. S. viceſimo die Decembris anno ſupradicto apud B. predictum comitatu predicto obiit. Et ſic Juratores predict̃ ſuper ſacramentum ſuum predictum dicunt, quod predictus I. H. modo & forma predicta, præ-

prædictum E. S. felonice & ex malicia ſua præcogitata interfecit & murdravit, contra pacem dictæ Dominæ Reginæ, coronam & dignitatem ſuas. Ac inſuper Juratores prædicti ſuper ſacramentum ſuum prædictum dicunt, quod prædictus I. H. tempore feloniæ & murdredi prædicti fact' nulla habuit bona aut catalla, terras, neque tenementa, in comitat̃ prædicto, ad eorum noticiam. In cujus rei Teſtimonium tam ego præfat̃ coron' quam Jurat̃ prædict' huic Inquiſition' ſigilla noſtra alternatim appoſuimus, die, anno & loco ſupradict', &c.

Per Joh. S. unum Coronat. dict. Reginæ com' prædict.

Inquiſitio Indentat̃ capt̃ apud H. in comitatu prædict' coram me I.W. generoſ. uno Coron' domini Regis comitat' prædict' die Martis, videlicet viceſimo die Januarii, anno regni domini noſtri Jacobi, Dei gratia Angliæ, Scotiæ, Franciæ & Hibern' Regis, fidei defenſ. &c. viz. Angliæ, Franciæ & Hibern' tertio, & Scotiæ triceſimo nono, ſuper viſum corporis cujuſdam C. B. nuper uxor̃ P. B. de H. præd' apud H. præd' felonice interfect' adtunc & ibm' mort̃ jacent̃, per ſacramentum proborum & legalium hominum de villa de H. & trium aliarum vill' propinquarum, videlicet S. N. & C. prout mos eſt, &c. ad inquirend' qualit̃ & quomodo præd' C. ad mortem ſuam devenit, videlicet per ſacramentum A. B. C. D. &c. ad numer̃ duodecim ad minus: qui dic' ſuper ſacramentum ſuum, quod ubi præd' C. die, anno, loco & comitat' prædict', circa horam ſecundam South. Murther, al.

cundam post meridiem ejusdem diei Martis, fuit in pace Dei & dicti domini Regis apud H. præd' ibi venit quidam W. B. nuper de C. in com' W. gener̄ felonice, ut felo dicti dom' Regis, insidiando & ex insult' præmedit', contra pac' ejusd' dom' Regis, coron' & dignitat̄ suas, die, anno, hora, loco & comitat' præd', in prædictam C. magistram suā, q̄ adtunc gravida fuit & vicina partui, insultum fecit, & eandem C. cum quadam secur̄, vocat' a hatchet, valor̄ quatuor denar̄, quam idem W. adtunc & ibidem in manibus suis tenuit, super sinistram partem capitis sui felonice percussit, dans ei plagā mortal', de qua quidem plaga mortali eadē C. instanter obiit. Et sic Jur̄ præd̄ super sacrament' suum præd' dic' quod prædict. W. B. præd' C. magistrā suā adtunc & ibm̄ felonice interfecit & murdravit, contra pacē dicti domini Regis, coron' & dignitat' suas, &c. In cujus rei Testimon', &c.

Inquisitio, &c. super visum corporis cujusdam I. S. ibm̄ mortui jacent' per sacr̄m A. B. C. C. &c. ad numerum duodecim ad minus, Juratōr̄ triat̄ & onerat̄ ad inquirendum qualit̄ & quomodo predict' I. S. ad mortem suam devenit: qui dic' super sacramentum suum, quod ita accidit apud M. in comitat' præd̄ die, &c. anno, &c. circa horam, &c. qd' ubi præd̄ I. S. fuit in pace Dei & dicti domini Regis apud M. præd̄ eisdē die, anno, loco & hora, ibi ven' W. L. de M. prædict. & S. T. de S. in comitatu prædicto Yeoman, ut felon' dicti Domini Regis, & ex malitiis suis præcogitat̄ in ipsum I. S. adtunc & ibidem insultum fecer̄, & præd̄ W. L. cum quodam pugione, Anglice a Dagger, valoris quatuor denar̄, quem ipse in manu sua dextra adtunc & ibidem tenebat,

tenebat, dict' I. S. ſuper ſiniſtram partem corporis ſui, videlicet ſuper aſellam, percuſſit uſque ad cor ſuum, dans ei plagam mortalem, unde idem I. S. inſtanter obiit. Et ſic Juratores præd ſuper ſacramentum ſuum prædict' dic', quod prædict' W. L. præfatum I. S. apud M. præd' modo & form̃ prædict' felonice interfecit & murdravit, contr̃ pacem dicti Domini regis, coron' & dignitat̃ ſuas, &c. Et ulterius Juratores præd ſuper ſacramentum ſuum præd dic', quod prædict' S. T. die, anno, loco & hora præd fuit præſens, aſſiſtens, abettans, procurans, confortans, & manutenens præfat̃ W. L. ad feloniam & murdrum præd in forma præd faciend & perpetrand'. In cujus rei Teſtimon', &c.

Inquiſitio, &c. ut præd eſt: qui dic' ſuper ſacramentum ſuum, quod R. S. nuper de D. in Comitatu prædict' yeoman, decimo nono die Decembris, anno decimo ſupradict', vi & armis, videlicet gladiis, &c. in quendam T. C. apud D. prædict' in comitat̃ prædict' cum quodam candelabro, Anglice **with a Candleſtick**, valoris duodec' denarior', quod idem R. in manu ſua dextra adtunc & ibidem tenuit, eundem T. ſuper caput ſuum felonice percuſſit, dans eidem T. adtunc & ibidem unam plagam mortal' longitudinis duorum pollicum, latitudinis unius pollicis, & profunditatis trium pollicum; poſteaque, ſcilicet eiſdem die, anno & loco, idem R. corpus ejuſdem T. adtunc & ibidem ad terram proſtrat̃ manibus genibuſque ſuis tam dire & violenter quaſſavit, ita qd' prædict' T. de plaga & quaſſatione

South. Manſlaughter.

prædict' interiit. Et sic Juratoꝝ prædictꝫ ſuper ſacramentum ſuum prædictum dic', quod prædictꝫ R. prædictꝫ T. modo & forma prædictꝫ adtunc & ibidem felonice interfecit, contra pacem dicti Domini Regis, coron' & dignitatem ſuas, &c. Et ulterius Jurat. prædict' ſuper ſacramentum ſuum præd dic' quod præd. R. tempore felonie præd ꝑ ipſum ut præd eſt commiſſ. nulla habuit bona aut catall', terr̃ neque tenemenꝫ in com̃ præd nec alibi, ad eorum notitiam. In cujus rei Teſtim', &c.

South. Roberia & murdr. per hominem ignot.

Inquiſitio, &c. qui dic' ſuper ſacramentum ſuum, quod viceſimo quarto die S. anno, &c. ſic accidit, quod quidam homo ignotus, Deum præ oculis ſuis non habens, ſed inſtigatione diabolica ſeductus & motus, vi & armis, videlicet gladiis, &c. inter horas ſeptimam & octavam ejuſdem diei, apud L. in comitatu prædictꝫ, via regia ibidem, in & ſuper prædictꝫ S. B. adtunc & ibidem in pace dei & dict' domini Regis exiſten' felonice, ut felo dicti domini Regis, inſultum fecit, & prædict' homo ignotus cum gladio prædictꝫ valoꝝ quatuor denarioꝝ, quem idem homo ignotus in manu ſua dextra adtunc & ibidem tenebat, prædict' S. B. ſuper pectus ſuum adtunc & ibidem felonice percuſſit, dans eidem S. B. adtunc & ibidem cum gladio prædict' unam plagam mortalem, latitudinis unius pollicis, & profunditatis ſex pollicum, de qua quidem plaga mortali prædict' S. adtunc & ibidem inſtanter obiit. Et ſic Juratꝫ prædictꝫ ſuper ſacramentum ſuum prædictum dic', quod prædictꝫ homo ignotus præfatum S. B. modo & forma prædictꝫ felonice interfecit & murdravit, contra pacem dicti

domini

domini Regis, coron' & dignit̃ ſuas. Et ulterius Jurat̃ prædict' ſuper ſacramentum ſuum prædict' dic' quod prædict' homo ignot̃, poſtquam ipſam feloniam & murdrum prædict' ſcilicet in forma præd̃ feciſſet & perpetraſſet, fugam fecit, contra pacem dicti domini Regis, &c. In cujus rei Teſtimon', &c.

Inquiſitio, &c. qui dic' ſuper ſacramentum ſuum, quod prædict̃ H. quarto die Aprilis, anno, &c. ſupradicto, circa horam quartam poſt meridiem ejuſdem diei, Deum præ oculis ſuis non habens, ſed inſtigatione diabolica ſeduct' & motus, apud T. prædict' in quodam prato ejuſdem W. vocat̃ Edes Meade, adtunc & ibidem ſolus exiſtens, cum uno cingulo corii, valoris unius denarii, quod ipſe adtunc & ibidem in manibus ſuis habuit & tenuit, & unum finem inde circa collum ſuum adtunc & ibidem poſuit, & alterum finem inde circa ramum cujuſdam arboris filicis ligavit, ſeipſum adtunc & ibidem cum cingulo præd̃ voluntarie & felonice ſuſpendit & ſuffocabat. Et ſic Juratores præd̃ ſuper ſacramentum ſuum prædict' dic', quod prædict' H. W. modo & forma prædict' voluntarie & felonice, ut felo de ſe, ſeipſum murdravit, contra pacem dicti domini Regis, coron' & dignitatem ſuam, &c. Et ulterius Juratores prædict' ſup ſacramentum ſuum prædictum dic', quod præd̃ H. W. tempore feloniæ præd̃ nulla habuit bona aut catall' in cc̃m ad eorum notitiã. In cujus rei Teſtimon', &c.

Murdr. de ſeipſo qui ſeipſum ſuſpend. Nul. terr. forisf.

Inquiſitio, &c. ut ſupra: qui dic' ſuper ſacramentum ſuum, quod prædict' A. P. tertio

cie

die Octobris, anno, &c. ſupradicto, circa horam, &c. Deum præ oculis ſuis non habens, ſed inſtigatione diabolica ſeduct. & motus, ex malitia ſua præcogitat̃ apud S. prædict. in comitatu præd̃, adtunc & ibidem ſol' exiſtens, in communi rivola ibidem ſeipſũ voluntarie & felonice emergit. Et ſic Juratores præd̃ ſuper ſacramentum ſuum præd̃ dic', quod prædictus A. P. modo & forma prædict. adtunc & ibidem voluntarie & felonice, ut felo de ſe, ſeipſum occidit & murdravit, contra pacem, &c. In cujus rei Teſtimon' &c;

De homine lunat. qui ſeipſum emergit, non eſt felonia.

Inquiſitio, &c. ſuper viſum corporis cujuſdam G. P. ibidem mortui jacen' per ſacramentum A. B. &c. Jurat̃ ad inquirend̃ qualit̃ & quomodo prædict. G. P. ad mortem ſuam devenit: qui dic' ſuper ſacramentum ſuum, quod prædict. G. P. quarto die Maii, anno, &c. ſupradict. apud H. exiſtens adtunc & ibidem non compos mentis, ſeipſum in unum fontem voluntarie projecit. Et ſic Jurat̃ prædict. ſuper ſacrament̃ ſuum præd̃ dic' quod præd̃ G. P. ex cauſa prædict. modo & forma prædict' ad mortem ſuam devenit. In cujus rei Teſtimonium, &c.

De priſonar. qui moriebat' in gaola dom. regis.

Inquiſitio, &c. ſuper viſum corporis cujuſdam H. C. nuper de O. in comitatu prædict. Husbandman ibidem mortui jacent̃, qui ante tunc commiſſus fuit ill. per B. T. mil' unum Juſtic' pacis dicti domini Regis comitat̃ prædict. pro ſuſpect. felon', per ſacramentum A. B. &c. qui dic' ſuper ſacramentum ſuum, quod prædict. H. G. decimo die Januar̃, anno, &c. ſupradict̃

in

in gaola prædict. ex visitatione Dei obiit. Et sic Juratꝰ prædict. super sacramentum suum prædict. dic' quod prædict. H. G. modo & forma prædict. ad mortem suam devenit, & non aliter ad eorum notitiam. In cujus rei Testimon', &c.

Inquisitio, &c. qui dic' super sacramentum suum, quod decimo quarto die Aprilis, anno, &c. supradicto, apud C. in comitatu prædict. inter horas septimam & octavam ante meridiem ejusdem diei, cum uno falcastro, Anglice an Axe, quod idem L. H. adtunc & ibm̄ in manibus suis habuit & tenuit, scindebat & prostravit unam quercum adtunc crescen' in quodam bosco vocat̄ le Chase, ratione cujus prostracionis querc' prædict. prædict. quercus adtunc & ibidem p̄ infortunium cecidit sup̄ caput prædict. L. H. dans eidem L. H. unam plagam mortalem longitudinis trium pollicum, & profunditatis unius pollicis, de qua quidem plaga mortali prædict. L. H. adtunc & ibidem instanter obiit. Et sic juratꝰ prædict. super sacramentum suum prædictum dic' quod L. H. modo & forma prædict. per infortunium ad mortem suam devenit. Et ulterius Juratores prædict. dicunt, quod prædict. quercus est valoris octavorum solidorum̄, & quod jacet in bosco prædict. modo in tenura, custodia sive occupatione reverend̄ in Christo patris Thomæ domin' Episc. Winton. In cujus rei Testimon', &c.

Inquisitio Indentat̄, &c. qui dic' super sacramentum suum, quod prædict. R. W. undecimo die Octobris, &c. anno, &c. supradicto apud P. prædictum in Comitatu prædicto eundo cum carma sua à Reding in Comitatu B. usque Basingstoke

Al. per infortunium per carmam cum onere suo.

ſtoke in Comitatu South. predict. p viam inter R. & B. predict. ſcilicet apud P. predictum in Comitatu predict', carma ſua predict cum onere ſuo, Anglice his ſaid Cart with the load, cecidit ſup corpus pred R. W. & ita quaſſavit corpus ſuum, quod de quaſſatione ill' predictus R. adtunc & ibidem inſtanter obiit. Et ſic Juratores predict. ſup ſacramentum ſuũ predictum dicunt, quod predict. R. W. modo & forma predict. per infortunium ad mortem ſuam devenit. Et ulterius Juratores predict. ſuper ſacramenrum ſuum predict. dic' quod adtunc & ibidem tres equi & duo boves cum carma prædict. & onere ſuo, videlicet ſex ſarcinarum lanæ, Anglice ſix packs or fardels of Wool, continen' in ſe per æſtimationem viginti quatuor pond. Anglice containing in them by eſtimation four and twenty tods of Wool, moverunt ad mortem predict. R. W. & quod pred tres equi & duo boves ſunt pretii 4 li. & 10 s. & quod pred carma eſt valoris xx s. & quod pred equi boves & carma remanent in cuſtod I. W. de P. pred vid nup uxor. pred R. W. & quod pred ſex ſarcinæ ſunt valoris ſexdecim librarum, unde dic' quod duo predictarum ſex ſarcinarum ſunt valoris 4 li. 13 s. 4 d. & remanent in cuſtodia H. P. de B. pred Clothier, & quod al. tres ſarcin' predict. ſex ſarcinarum ſunt valoris octo librarum, & rem in cuſtod T. B. de Ramſey in comitatu S. predict. Clothier, & pred una alia ſarcina, reſid predictar ſex ſarcinarum, eſt valoris ſexaginta ſex ſolidorum & octo denarior, & rem in cuſtod W. B. de R. pred Clothier. In cujus rei Teſtimon', &c.

The

The Oath of the Sheriff to the Supremacie.

I B.C. do utterly teſtify and declare in my conſcience, that the Kings Highneſſe is the onely ſupreme Governour of this Realm, and of all other his Highneſſe Dominions and Countries, as well in all ſpirituall things or cauſes, as temporall; and that no forrein Prince, Perſon, Prelate, State or Potentate, hath, or ought to have, any juriſdiction, power, ſuperiority, preheminence or authority, eccleſiaſticall or ſpirituall, within this Realm: And therefore I do utterly renounce and forſake all forrein juriſdictions, powers, ſuperiorities and authorities, and do promiſe that from henceforth I ſhall bear faith and true allegeance to the Kings Highneſſe, his heirs and lawfull ſucceſſors, and to my power ſhall aſſiſt and defend all juriſdictions, priviledges, preheminences and authorities granted or belonging to the Kings Highneſſe, his heirs and ſucceſſors, or united and annexed to the Imperiall Crown of this Realm. So help me God, and by the contents of this Book.

His

His Oath by Statute for the due execution of his Office.

YOU ſhall ſwear, that well and truly ye ſhall ſerve the Kings Majeſty in the Office of the Sheriff of the County of Southampton, and doe the Kings profit in all things that belongeth to you to doe by way of your Office, as far forth as you can or may: you ſhall truly keep the Kings rights, and all that belongeth to the Crown: you ſhall not aſſent to decreaſe or leſſen, nay to concealment of the Kings rights, or of his Franchiſes: and whenſoever you ſhall have knowledge that the Kings rights or the rights of his Crown have been concealed or withdrawn, be it in lands, rents, franchiſes, or ſuits, or any other things, ye ſhall doe your true power to make them to be reſtored to the King again; and if you may not doe it, ye ſhall certifie the King or ſome of his Councill thereof, ſuch as you hold for certain will ſay it to the King: ye ſhall not reſpite the Kings debts for any gift or favour, where you may raiſe them without great grievance to the debtors: ye ſhall truly and rightfully treat the people of your Sherifwick, and doe right as well to poor as to rich, in all that belongeth to your Office: ye ſhall doe no wrong to any man for any gift, or other beheſt or promiſe of goods, for favour nor hate: ye ſhall diſturb no mans right:

right: ye ſhall truly acquit at the Exchequer all thoſe of whom ye ſhall any thing receive of the Kings debts: ye ſhall nothing take whereby the King may loſe, or whereby the right may be letted or diſturbed, and the King delayed: ye ſhall truly return and truly ſerve all the Kings Writs, as far forth as ſhall be to your cunning: ye ſhall not have to be your Underſheriff any of the Sheriffs of the laſt year paſt: ye ſhall take no Bailiff into your ſervice but ſuch as you will anſwer for: you ſhall make each of your Bailiffs to take ſuch oath as you make your ſelf, in that belongeth to their occupation: you ſhall receive no Writ by you nor any of yours unſealed, or any ſealed under the ſeal of any Juſtice, ſaving the Juſtice in Eyre, or Juſtice aſſigned in the ſame Shire where ye be Sheriff, or other Juſtices having power and authority to make any writs unto you by the Law of the land, or of the Juſtices of Newgate: you ſhall make your Bailiffs of true and ſufficient men in the County: alſo ye ſhall do all your power and diligence to deſtroy and make to ceaſe all manner of hereſies and errours, commonly called Lollaries, within your Bailiwick, from time to time, to all your power, and aſſiſt and be helping to all the Ordinaries and Commiſſaries of the whole Church, and favour and maintain them as often as you ſhall be required by the Ordinaries Commiſſaries: ye ſhall be dwelling in your own proper perſon within your Bailiwick for the time ye ſhall be in the ſame office, except ye be otherwiſe licenſed by the King: ye ſhall not let your Sheriffwick nor any Bailiwick thereof to any

any man: ye ſhall truly ſet and return reaſon and due iſſues of them that be within your Bailiwick after their eſtate and behaviour, and make your pannels your ſelf of ſuch perſons as be moſt next, moſt ſufficient, and not ſuſpect, nor procured, as it is provided by the ſtatutes. And over this, in eſchewing and reſtraint of manſlaughters, robberies, and other manifold grievous offences that be done daily, namely by ſuch as name themſelves Souldiers, and by other vagrants, the which increaſe in number, and multiply ſo, that the Kings ſubjects may not ſurely ride, nor goe to doe ſuch things as they have to doe, to their intolerable hurt and hinderance, ye ſhall truly and effectually, with all diligence poſſible to your power, execute the ſtatutes, as the ſtatutes of Wincheſter, and for Vagabonds. All theſe things ye ſhall truly obſerve and keep, as God you help, and by the contents of this Book.

OF

OF THE

AUTHORITY

OF A

SHERIFFE,

and how and in what manner he ought to execute his Office in all things that are in uſe.

The Second Book.

FIrſt of all, when he is appointed to be Sheriffe, he is then Cuſtos Comitat, and his power and authority is very great, as hereafter I will ſet forth and declare at large. And at the entrance into his office, the firſt thing that he muſt doe is, to goe into the Exchequer, into the Kings Remembrancers office there, and to enter into Recognizance there with Sureties, or ſome for him, for the payment of his proffers, at or before mens' Paſchæ and mens' Michael. then next following.

That done, his Attourney there will write him a note, thereby signifying that he is Sheriffe of such a County, and that he hath entred Recognisance for his proffers; the which note the Sheriffe must deliver to one of the six Clerks in the Chancery, for his warrant to make the Sheriffs patent by, with his writ of assistance, and a writ of discharge to be delivered to his predecessor, to discharge him out of his Office; the which would be delivered with all speed, for his own benefit or his Undersheriffs: for untill it be delivered to his predecessor, the precedent Under-sheriffe may doe execution of process. And this being done, then, if he be so well provided, he may take his Under-sheriffe with him, and goe either to a Master of the Chancery, or to one of the Judges of the Assises of that Shire whereof he is Sheriffe, and take their oaths for the due execution of the said office: or else he must have a Dedim' potestat' out of the Chancery, from the Clerk which made his patent, directed to two Justices of Peace of the same County, whereof one must be of the Quorum, to give him his oath in the Country: but his Under-sheriffe may be sworn by two Justices of Peace, whereof one must be of the Quorum, without Commission: and untill they be thus sworn, they may not entermeddle with the execution of any process by the Law.

A Sheriff, at or before his first County-court, must take over from the old Sheriffe his predecessor all his prisoners and writs, precisely by view and by Indenture to be made be-

be tween them, wherein all the causes which he hath against every prisoner (at the perill of the old Sheriffe) must be set forth and declared; or else the new Sheriffe needs not to take any notice of any thing that is omitted & left out of the Indenture; for he is not chargeable with it, but the old Sheriffe, as it appeareth of late in a Case adjudged in my L. Cokes 3. Book of Reports, Wesbies case, fol. 72. against the Sheriffs of London: for although they set him over by Indenture, yet they set not over all the causes which they had against him, but omitted an execution, which after was recovered against the old Sheriffs by the plaintiffe, and Wesby was at liberty, and the Sheriffs were sans remedy.

All the Writs which are set over in the indenture between the Sheriffs, if they have been executed by the old Sheriffe, then they must be returned by him, and indorsed under by the new Sheriffe thus; I send bre prout indorsat' mihi deliberat' fuit p R. W. milit' nuper vic' prox. prædecess. meum in exit' ab officio suo.

H. C. Mil' vic'

And a Sheriffe at the first County-court which shall happen to be after his election, & discharge of the old Sheriffe, must read his Patent and his writ of assistance, and nominate his Under-sheriffe, the County Clerk, and four Deputies of Replevins at the least, for the ease of the Country, who ought to dwell 12 miles one from another, in every quarter of the County one, to grant Replevins when need shall require.

South. Primus Com̃ F. P. mil' vic' Com̃ prædˀ, and ſo next Secundˀ Com̃ the next County-court, tenˀ apud Caſtr̃ Winten' tali die & anno, ſetting the Kings ſuit at large.

Then the bailiffe muſt make an O-yes, & ſay thus, Eſſoins and proffers (before the Court three times) pur ceſt jour. And then ſay, If any man will be eſſoined or enter any plaints, let them come in, and they ſhall be heard.

Eſſoins. A. B. Eſſoin' eſt quia ægrotat, vel ſimilia.

A. B. querit' verſus C. D. de placit' debit' & injuſt' detent' averior̃ ſuor̃, or de placit̃ debit' detent̃, tranſgreſſ. vel ſimilia, as the caſe is.

This Court ought to be kept every moneth upon a day certain of neceſſity, by reaſon of the Kings writs of Exigents which muſt be read there.

And the actions muſt be called there as they are in a Hundred-court or Court-Baron: and it will not hold plea where the debt or damage is xl. s. unleſſe it be by writ of Juſticies out of the Chancery, which is a Commiſſion to the Sheriffe to hold plea of any ſumme whatſoever; and yet it is but in the nature of a Diſtringas, to diſtrain a man by his goods to anſwer there to the plaintiffs action, for his body cannot be touched with it by law, nor his lands.

And the like entries, plaints, anſwers, barrs & iſſues are to be put in there as are uſed in a Hundred-court, or a Court-Baron; for this Court is but a Court-Baron. And although it be the Sheriffs court, yet the Freeholders of the County are the Judges there in all

all actions; and the Kings Coroners of the County are only Judges to give Judgement upon the Kings writs of Exigents, and none else. And if they be freholders, as they ought by the law to be, they are also Judges of their actions: if they be not, they may be removed from their places for lack of Freehold, it is a sufficient exception in law to be taken against them in that case.

And the like proces or precepts as are made out of a Hundred-court, mutatis mutandis, are to be made out of this Court, viz. summons, attachment, and distresse infinite.

Election of Knights for the Parliament, and of Coroners & Verderers, are always made by the Kings writ in open County-court, and the day & times when & by whom, viz. by the Freeholders of the County; & the Knights are to be chosen between 8 and 9 of the clock in the forenoon, sedente cur̄. And the names of such Freeholders as are at the election of Coroners and Verderers ought to be set down in the County-court-book, for to testifie such election: & the Sheriffe is to minister unto the Coroners & the Verderers their severall oaths for the due execution of their office.

A Replevin.

Fr. P. miles, vic' Com̄ præd', ballivo Hundr̄ de H. necnon Io. S. ballivo meo hac vice, & eorum utrique conjunct̄ & divisim, salutem. Quia W. P. invenit mihi sufficient. securitat̄. tam de Clam̄ suo prosequendo, quam de averiis suis, videlicet, South.

uno ſpadone, tribus equis, &c. quæ I. C. cepit & injuſte detin' ut dicitur, retorn̄, ſi retorn̄ inde adjudicatur, iā ex parte dom' Regis vobis & utriq̄ veſtrum conjunct̄ & diviſim mādo, qd' repleg' & deliber̄ fac' ſeu unus veſtrum replegiar̄ & deliberar̄ fac' præf. W. P. aver̄ ſua præd. Et qd' ponat', ſeu, &c. per vad. & ſalvos pleg. præfat. I. C. ita qd' ſit ad prox' Com' meū apud Caſtr̄ Winton' tenend', ad reſpondēd' præfat̄ W. P. de placit̄ capt̄ & injuſte detēt. aver̄ ſuor̄ præd. Et qualit̄, &c. mihi ad prox' com' meū certificet̄, ſeu, &c. ſub periculo incūbent̄. Dat̄ ſub ſigill' officii mei ultim' die Decembris an. reg. dō. noſtr̄ Jac. dei grac' Angl', Scotiæ, Frāc' & Hibern. Regis, fidei defēſor̄, &c. viz. Angl' Franc' & Hibern' xiiii. & Scotiæ quinquageſimo.

Per me Ric. W. milit' vic'.

And if this Replevin be granted by a Deputy to the Sheriffe, then he muſt ſet his name to the Replevin thus,

Per me I. W. unum deput̄ dicti vic' ſecund̄ form' Stat.

And if the firſt Replevin be not executed, then the Sheriffe or his Deputy may grant an alias Replevin, and ſo a plur̄ Replevin, vel cauſam mihi ſignifices, and after toties quoties if need be. And upon all theſe Replevins, there muſt be a bond of x. li. at the leaſt taken of him to whom the Replevin is granted, for his appearance at the next Court after, and proſecution of his ſuit with effect againſt the taker of the cattell, and to make return thereof,

thereof, if return be adiudged. The forꝫ of which bond and condition thereof muſt be thus.

Noverint univerſi per præſent̃ me Will' P. de C. in com̃ South. gener̃ teneri & firmit̃ oblig. F. P. mil' vic' com̃ prad̃ in decem libr̃ bonæ & legal' monet̃ Angl' ſolvend̃ eidem vic' aut ſuo cert̃ Attorn' execut̃ vel aſſign' ſuis. Ad quam quidem ſolut̃ bene & fidelit̃ faciend̃ oblig' me, hær̃ exec' & adminiſt' meos, firmit̃ per præſent. Sigillo meo ſigillat'. Dat̃, &c. As all other bonds are. Obligation.

The condition of this preſent Obligation is ſuch, that if the above-bounden W. P. do appear at the next County-court to be holden at the Caſtle of Wincheſter, and then and there do proſecute his action with effect againſt I. C. for the wrongfull taking and detaining of his cattell, videlicet, of one gelding and three horſes, as it is alledged, and do alſo make return thereof, if return thereof ſhall be adiudged by Law, and alſo do ſave and keep harmleſſe and indemnified the above-named Sheriffe, his Underſheriffe, and Bailiffs, for, touching and concerning the delivery of the ſaid cattel; that then this preſent Obligation to be void and of none effect, or elſe the ſame to ſtand, remain and continue in force, ſtrength and vertue. Condition.

And if in this caſe the taker of the cattell juſtifie the taking as in his freehold, then this Court can proceed no further therein, but the cauſe muſt be removed from thence by the Kings writ out of the Chancery, called a Recordar' fac' loquelam, directed to the Sheriffe,

retornable the next term following, either in the Kings bench, or in the Kings Majesties Court of Common Pleas, which the party will, for they are both Common Law; but they are more properly belonging to the court of Common Pleas: and this writ ought to be openly read and allowed in the said Court, to the end that notice may be given thereof to the plaintif in the Replevin, that he may appear at the day of the return thereof, and declare against the taker of his cattell; or else the taker will have a Retorn' hēd aver, and so put him to sue forth the second deliverance, which is a disadvantage to the plaintiff, for he shall then have no more second deliverance, otherwise he might have another. And let the Attorney for the plaintiffe see well to the sealing of the writ of second deliverance with Retorn' hēd averior, or else it will fall out to be manifest erroz, and overthrow the cause, be it never so just, when it is an exec', because the writ of K. D. is an originall writ, but the def. therein shall have no cost. It was the case of Nic. M. Gent. against Tho. Newman in a Replevin for an annuitie adjudged in the Kings Bench Term. Trin' ann. xv. I. R.

Now next, the high Sheriff will look for his security from his Undersheriffe before he will trust him with his office, because he will sleep quietly, and take his repose in safety: & for that commonly he hath bonds and covenants of the Undersheriffe and his friends. That men make not void all these bonds and covenants taken of their Undersheriffs, let them

them look to the Stat. 5 E.6.c.16. And that gentlemens Clerks may sufficiently know how to execute the office of an Undersheriff, I have taken occasion to set forth this book of directions, sufficiently to teach and instruct any Clerk that is willing to undergoe the burthen of this office for his master, rather then a Gentleman of worth shall for a little money hazard his oath or his credit in his country: for by this means he had better (in discharge of his duty both to God & his Prince in the execution of his office) keep his office in his house, so that he may take a continuall survey of it himself, then trust a stranger upon bonds and covenants with the whole execution of his office, which by the Statute of 23 Hen. 6. ca. 10. are thought by many opinions to be void or voidable; for the words of the Statute are these, That no Sheriff, nor none of his officers or ministers, shall take or make any Obligation for any cause mentioned in the Statute, by colour of their office, but only to themselves, of any person or by any person which shall be in their ward, by course of the Law, but in the name of their office, and upon condition written, That the said prisoners shall appear at the day contained in their writs, bill or warrant, and in such places as the said writs, bills or warrants shall require. And if any Sheriff or any of his officers take any Obligation in any other form, by colour of their office, that it shall be void. And in this course there can be no losse to the Sheriff, if his Undersheriff be carefull to follow the directions here laid before

fore him: for he shall both hereby get good knowledge & experience, & some profit, and his master may give him good allowance, and yet save sufficient out of the honest gains of the office, to passe his accounts, and to defray part of his other charge, and have his countrymen well dealt withall, and gently intreated according to his oath; whereas now, as the office is used otherwise by Undersheriffs which buy their offices, they pay for it, or else the Undersheriffe must goe away a begger.

The form of an Indenture for setting over of prisoners and writs between two Sheriffs.

THis Indenture made, &c. between I. K. Esquire, late Sheriff of the County of South. of the one party, and Sir H. W. Knight, now Sheriffe of the said County, on the other party, witnesseth, That the said I. K. by vertue of his Majesties writ of discharge of his late office to him directed, hath delivered and set over unto the said Sir H. W. these writs following, viz. a Capias versus W. F. retorn' Oct' Hill' ad sect Andr Limboni, &c.

Together with the bodies of I. S. in execution at the Suit of G. H. for a debt of 22 li. & I. H. at the suit of C. D. in execution for 5. li. &c. In witnesse whereof, &c.

The

The form of an Indenture between the high Sheriff and his Under-sheriff.

THis Indenture made, &c. between J. Y. of D. in the County of S. Esquire, on the one party, & Y. R. of G. in the said County, Gent. of the other party, witnesseth, That whereas the said J. Y. being by the Kings most excellent Majesty appointed to be high Sheriff of the said County of S. for this year to come, hath upon speciall affiance, confidence and trust, that he hath and beareth in and towards the said Y. R. promised and granted to the said Y. R. the use of the exercising of the office of his Undersheriff of the said County, together with all fees, fines, forfeitures of bonds, profits, commodities, advantages, casualties, allowances, liberties, franchises, courts, forns, Leets, perquisites of courts, and other emoluments certain and uncertain whatsoever, to the office of Sheriffwick or Undersheriffwick belonging or in any wise appertaining, that any Sheriff or Undersheriff of the said County hath heretofore justly and lawfully claimed or had, to have and enjoy during and by all such time as he the said J. Y. shall be, remain and continue high Sheriffe of the said County, of this appointment or election not discharged. In consideration whereof the said Y. R. covenanteth, granteth and agreeth, and faithfully promiseth for him, his heirs, executors and administrators, that he the said Y. R. his heirs, executors or administrators, shall

and

and will discharge, or otherwise sufficiently save and keep harmlesse, as well the said I. H. his heirs, executors or administrators, as also his and their and every of their goods, chattels, lands, tenements, and hereditaments, of and from all and all manner of troubles, vexations, suits, actions, informations, complaints, contempts, fines, forfeitures, amerciaments, penalties, pains, sum and sums of mony, payable or leviable to or for the Kings Majesty, or any other person or persons whatsoever, for any matter or thing to be done in or about the said office, and of and from all losses, hindrances and damages, that shall or may be lawfully moved, stirred, procured, commenced, prohibited, prosecuted, happen or fall or lawfully asked, demanded, or levied upon the said I. H. his heirs, executors, or administrators, or of or upon his or their or any of their goods, chattels, lands, tenements or hereditaments, for or by reason of the said office of Sheriff, either by non-suing, or unlawfull returning, slow returning, or misreturning, of any precepts, writs, warrants or process, to the high Sheriffe directed, or to be directed, or for, by cause or means of any excessive or unlawfull extortion or exaction, or taking of any money, or other gain or commodity, for the serving or not serving of any such writs, warrants, precepts, or process, or for or by reason of any misdemeanor, misusing, or misgovernment, negligence, lack of skill, or of ignorance that shall be in the said H. R. in or about the doing, exercising, or executing of the said office of Undersheriff.

riff. And the said Y. R. for himself, his heirs, executors & administrators, by these presents doth covenant and grant to and with the said J. Y. his heirs, executors and administrators, in like manner to discharge, or otherwise to save harmlesse and indempnified, as well the said J. Y. his heirs, executors and administrators, as also all their goods & chattels, lands, tenements and hereditaments, of and from all manner of escapes, both wilfull and negligent, of traitors, felons, and all other prisoners committed, or to be committed, to his or their safe keeping or charge, in breach of prisons, and of and from all fines, forfeitures, amerciaments, sums of money, and penalties, that he or they or any of them shall or may incur, bear, pay, or sustain, for any escape or breach of prison during all the time of his continuance in the said office of high Sheriff of this appointment. And moreover the said Y. R. shall give attendance convenient & requisite upon the Kings courts at Westminster, upon the Judges of Assise and Justices of the Peace, and other Commissioners and officers, within the said County, upon whom the said J. Y. or the said Y. R. in respect of the said office of Sheriffwick ought by the laws of this Realm to attend. And furthermore, shall within one year next after the discharge of the said J. Y. from his said office justly and truly make a perfect account, in the Kings Exchequer or elsewhere, of all the sums of money, receits, and other things wherewith the said J. Y. shall or may be charged as

Sheriff

Sheriff of the said County of S. & shall within the said time deliver unto the said I. Y. his heirs, &c. a sufficient acquittance or quietus est. And it is further agreed upon by the said parties to these presents, that every one of the Bailifs of Hundreds, and all other the officers under the Sheriff, shall enter into sufficient band by obligation, that they and every of them shall truly and diligently deal in, exercise, and execute their offices during the time aforesaid: and if any one shall refuse to enter band or misdemeanor himself, that then it shall be lawfull to and for the said Y. R. in his discretion to place another meet for that office in the room of such person that shall refuse or misdemeanor himself as is aforesaid. In witnesse whereof, &c.

The bands are commonly taken of the Undersheriffe and his sureties for the performance of these covenants, and they are ordinary, as all other bands are for performance of covenants, and therefore here needs no precedent for them.

A condition for a Gaoler to enter in to the Sheriff for the safe keeping of his prisoners.

The Condition, &c. That whereas the abovenamed S. Y. W hath at the speciall instance and request of the above-bounden W. W. constituted and appointed the said W. W. to be his keeper of all such prisoners as shall be arrested or attached by any manner of writ, warrant or precept, made, or to be made, by

or

or in the name of the said S. H. W. or by or in the name of J. W. his Undersheriff: If therefore the said W. W. his deputy or deputies, assignee or assignees, or any of them, shall and do well and safely keep all such prisoners as shall be committed to him or them, or any of them, and therein shall save and keep harmlesse and indempnified the said Sheriff, his heirs, executors and administrators, at all and every time and times hereafter, of and from all and all manner of escapes of all manner of prisoners that shall be committed to the custody and safe-keeping of the said W. W. or left under the custody or charge of any of his deputies or assigns, and of and from all and all manner of judgements, executions, fines, charges, troubles, and incumbrances whatsoever, which shall or may hereafter grow or happen to be taxed, imposed, estreted, or lebied upon, of or against the said Sheriff, as Sheriff of the County aforesaid, for or by reason of any such escape, or escapes, as aforesaid; And also if the said W. W. his deputy or assignee, shall not discharge or set at liberty out of his or their custody and safe-keeping any prisoner or prisoners, which now are, or that hereafter shall or may be, by the said Sheriff, or by his Undersheriff or Deputy, or by any of their Bailiffs, taken, committed, delibered, or left in the custody of the said W. W. his deputy or servant, without the special warrant in writing under the hand and seal of the officer of the said Sheriff in that behalf first had and obtained: That then, &c.

A Condition for a Bailiff to enter into to the Sheriff.

The Condition, &c. That whereas the above-named S.B.T. at the speciall instance & earnest intreaty of the above-bounden I. P. hath authorized & appointed the said I. P. to be one of his Bailiffs within the County of S. abovesaid, and in more particular hath committed to his charge the Bailiwick of the Hundred of M. and B. If therefore the said I. P. and all such persons, &c. for and about the executing of such things as shall be given him in charge to doe and execute as Bailiff of the Hundred, do justly, &c. execute his said office according to the effect and intents of such warrants and precepts as shall be directed unto him, and come to his hands, from the abovenamed Sheriff, or from his Undersheriff, to be executed; and shall and doe, upon the view of every warrant upon mean process from the said Sheriff, take sufficient band with two sureties for the appearance of the def. arrested, according to the Statute in that case made and provided; and shall safely convey or deliver every such band uncancelled unto the said Sheriff, or his Undersheriff, before such time as the process whereupon the said warrant is made is returnable; and also shall at all times, and from time to time, during the continuance of the said Sheriff in Office of Sheriffe of the said County, be ready and attendant both upon the said Sheriff, and upon his Undersheriff, as well at every Assize and Sessions, as also at every

County-

County-court to be holden, &c. then and there to execute his said office as appertaineth; and also shall well and truly pay, or cause to be payed, to the said Sheriff or his Undersheriff, at the feasts of Easter and S. Mich. the Archangel now next coming after the date above written, all and every such summe and summs of money as have been accustomed yearly to be payed to the Sheriffe of the said County for the Kings Majestie out of the said Hundreds, upon the account of every Bailiffe of the said Hundreds, commonly called Sheriffs-turn-money; and do in like manner before the said feast of S. Mich. collect and gather of the inhabitants within the said Hundreds all summs of money due to his Majestie upon the summons and scedule of the Green wax, a sufficient warrant being in convenient time delivered unto him to that end and purpose, and do accordingly pay the same to the said Sheriffe, or to his Undersheriffe, within one month next after he hath gathered and collected the same, without coyn or further delay: That then, &c.

A Sheriffe is to make Warrants upon mean process, or execute them himself, but it is not possible for him to doe execution of all: and they must be made according to the severall natures of his writs, which for the substance will direct him, but not for the form thereof, that doth differ in many Counties, but all to one effect; as in the County of Southampton thus:

A generall Warrant.

S. F. P. Miles, Vicecom̃ com̃ prædict', ballivo hundredi de Houlshot salut. Ex parte dom̃i Regis tibi mando, quod capias A. B. si, &c. & eum salvo, &c. ita quod habeam corpus ejus coram Justic' dom. Regis apud Westmon. in Oct. sanct. Hillarii, ad respondend C. D. de placito debit, or Trespasse, according to the Writ. Et hoc, &c. Dat sub sigillo officii mei xx. die Decembris, anno regni dom̃i reg. nunc Angl' &c. xiiii.

Per F. P. Mil. Vic.

A Speciall Warrant.

S. F. P. Miles, Vic. com̃ præd', ballivo hundred de H. necnon I. W. & T. B. ballivis meis hac vic. & eorũ cuilibet, salut. Ex parte domin. Regis vobis & cujuslibet vr̃m conjunct. & divis̃im mando, quod capiatis, seu, &c. A. B. si, &c. & eum salvo, &c. ita q̃ h̃eam corpus ejus cor̃ dom̃i rege apud West. die Jovis prox. post Oct. S. Hill. ad respond C. D. de placit transl. &c. Dat, &c. ut supra.

xx. die Decembris, anno Dom̃i 1638.

By vertue of the Kings Majesties Writ to me directed, Ret coram domino Rege apud Westm̃ die Jovis prox. post quinden. Sancti Hil', or if it be out of the Court of Common pleas, then, Ret coram Justiciar̃ domin. Regis apud Westm̃ in Oct. Sanct. Hillarii, you shall arrest A. B. if he may be found within my Bailiwick, to answer to C. D. in a plea of trespasse, or in a plea of debt, according to the writ.

writt. Dat̃ ſub ſigillo officii mei die & anno ſupradict. &c.

Per I. P. Mil' Vic'.

To I. P. and R. S. my ſpeciall Bailiffs in this behalf, joyntly and ſeverally, greeting.

And in York they uſe to make their Warrants thus, upon their mean proceſs.

Sr. Georgius S. Miles & Baronet̃, Vicec' Com̃ præd', omnibus ballivis meis, vel omnibus ballivis infra com̃ præd' tam infra liber̃ quam extra, necnon I. B. & C. D. ballivis meis hac vic. tant̃ itiner̃, ſalut̃. Ex pte dom̃ reg. vobis & cuilibet vr̃m conjunct. & diviſim mando, q̃ capiat̃, ſeu, &c. A. B. ſi, &c. & eum ſalvo, &c. ita q̃ habeam corpus ejus coram dom̃ rege, if the Writ come out of the Kings Bench, apud Weſt. die Jovis prox. poſt quinden. ſanct. Hill', but if the Writ come out of the court of Common pleas, then it is, coram Juſtic. dom̃ reg. apud Weſt. in Oct. ſanct. Hillar, ad reſpond̃ C. D. de placito tranſgr̃ or debit according to the writt. Dat̃ ſub ſigill. officii mei tal. die & anno, ut ſupra.

And this ſeems to be the beſt form of warrants to have them ſerved. And there they uſe to make warrants upon all their executions in this form, ſaving only there is added theſe words before the teſte of the Warrant, proviſo ſemper, q̃ hoc præſens warrant̃ exequend̃ eſt ad periculum querẽtis tant̃; and thereupon the pl. will not onely pay down the fee for the execution, as much as the Statute allows, but alſo

give bond without condition, for the saving of the Sheriff harmlesse of the escape, if any should happen to be; onely they will set down under the bond the cause wherefore the bond is taken; and the bond is taken to a stranger, and yet never questioned: which makes execution to be the better done, or else the Country is so spacious, the Sheriff would not be able to do a quarter of his work. And I see no reason but it may be used in any other Country as well as there, and it will make the Sheriffs work much the easier to be done, and all things considered the more for his profit.

Also they use there to make Warrants upon Capias utlagat in the like form, and to take bond with condition to bring the defendant to prison, if he be arrested, which makes good execution of those Process. And it were good this were used in all countries, then there would not be so much extortion and indirect dealing used by Undersheriffs and Bailiffs to the Kings subiects as there is. For if they take any man upon a Capias utlagatum, they will not onely take money of the plaintiff for to take the defendant, but when they have taken him, for money they will let him goe again; and they will alledge for a colour, it is to reverse the outlawry, which they have nothing to doe withall. He ought to be brought to prison, and there remain untill one Attorney or other have reversed the outlawry for him, and not the Sheriff: for although he be an Attorney, he ought not when he is Sheriff to practise as

an

an Attorney. But yet notwithstanding they do forestall the market, against the law, and the high Sheriffs oath, and it is pity that it is suffered to goe unpunished.

The form of a Bond for Appearance.

NOverint universi per præsent̄ nos A. B. de C. in com̄ South. gener̄, E. F. de G. in com̄ præd̄ yeom. & H. T. de R. in comit̄ præd̄ yeoman, teneri & firmit̄ oblig' F. P. mil' vic' præd̄ in quadraginti libr̄ bonæ & legal' monet̄ Angl' solvend' eidem vic' aut suo cert̄ Attorn', execut̄ vel assign' suis: ad quam quidem solut̄ bene & fideliter faciend̄ oblig' nos & quemlibet nostr̄ per se pro tot' & in solid̄, hær̄, exec' & administr̄ nost. & utriusque firm firm t̄ per præsent̄ Sigillis nr̄is sigillat̄. Dat̄ 20. die Decemb. anno regni dom̄ nostr̄ Jacob. Dei gratia Angl', Scot', Franc' & Hibern' reg. fidei defens. &c. viz. Angl', Franc' & Hibern' 14. & Scot' quinquagesim̄, annoque dom̄ 1616.

The Condition of this present Obligation is such, that if the above-bounden A. B. do appear coram domin. Rege apud Westmon. die Jovis prox. post quinden. Sanct̄ Hill', if the writ be out of the Kings Bench, according to the return of the writ, but if the writ be returned in the Court of Com. pleas, then the words in the Condition must be for the defendant to appear corā Justic. domin. Regis apud West. in Oct̄ sanct̄ Hill. or such other return, according to the writ, to answer to C. D. in a plea

of trespasse or debt, as it is in the writ; That then this present Obligation to be void, and of none effect, or else the same to stand, remain, and continue in force, strength and vertue.

Sealed and delivered to the use of the abovenamed Sheriff, in the presence of A. B. and T. S. Two witnesses at the least.

A Sheriff before he return any Writ into the Chancery, the Kings Bench, the Court of Common pleas, and the Exchequer, ought to have an Attorney or Deputy in every one of those Courts of record, to answer for him by warrant of attorney. And if any Sheriff doe contrary to this ordinance in any point, he forfeits xl.li. every time, and treble damages to the party grieved; one molety thereof to the King, & the other molety to him that will sue, by a Statute-law made anno 23 H.6.cap. 10.

You shall find in this book good returns for all manner of writs now in use, here set down to your view, whensoever you shall have occasion to use them; and also apt returns of all your Exchequer process, with apt and due forms of all sorts of inquisitions to be returned there, or elsewhere, with your process. And as for the Court of Wards and Liveries, from thence you have but 3 sorts of process to be answered unto, viz. Extents, Attachments, and Liveries upon old Extents not discharged, which must be paid half-yearly, with 10. s. for the fee of every sum till the debt be pated: and

this

this last will trouble you most, and the other are easier to be returned then executed.

Sheriffs and Undersheriffs ought to receive all manner of writs in any place within the County, without taking of any thing, and make thereof warrant: and if he refuse to doe it, if he make not a return of those writs, he shall be punished, and render dammages to the party grieved, by the Statute of 2 Ed. 3. cap. 5.

Also a Sheriff may arrest men which goe or ride armed, and commit them to prison, there to remain at the Kings pleasure, by the same statute. Also Sheriffs and Gaolers must receive thieves indicted or taken with the manner, without taking any thing for their receit, by the Statute of 4 E. 3. cap. 16.

Sheriffs must return sufficient and reasonable issues upon such persons as have lands and goods sufficient: according to the Statute of West. 2. cap. 39. & 1 E. 3. cap. 5.

Sheriffs ex officio may arrest within their County suspected persons which walk by night or day, and which are of evill name and fame, by the Statute of 5 E. 5. cap. 14.

A Sheriff ought to have but one Bailiff errant within his County, by the Statute of 14 E. 3. cap. 8.

Sheriffs ought to keep their Torns twice every year, viz. one within a moneth after Easter, and the other within a moneth after the feast of S. Michael the Archangell, by the Stat. of 31 E. 3. cap. 14.

Sheriffs must levy their issues and amerciaments by their extracts under the seal of the

Exchequer; otherwise they shall render to the party dampnified treble dammages, and also make fine to the King for their offence, which is determinable before the Justices at their sessions, by the Stat. of 43 E. 3. cap. 9.

Sheriffs ought to return their pannels for the Sessions 4 days before the Sessions at the least, upon pain of 10 l. and the Bailiffs of liberties ought to make return of their Warrants six days before the Sessions at the least, upon the like pain, by the Statute of 41 E. 3. cap. 11.

Sheriffs ought four times in the year to proclaim the statute of Winchester in every Hundred of their Bailiwick, for it is parcell of their oath; yet they never doe it.

Sheriffs ought to take the swords, daggers, and weapons, from servants, labourers, and from servants of artificers and victuallers, if they find them bearing of any, except it be in time of war, or when they travell abroad into the Country with their masters, or goe on their messages; and they may keep such weapons untill the next Sessions, and there present them, with the names of those that bore them, by the Stat. of 12 R. 2. cap. 9.

Sheriffs may ex officio apprehend labourers & servants begging and wandring abroad, and commit them to prison without bail or mainprise: but they can take no fees of such persons, neither upon receit or delivery of them, upon pain of a C. s. to the King, by the Statute of 12 R. 2. cap. 9.

Sheriffs and other of the Kings Officers, who

when they have notice of unlawfull Assemblies and Riots, ought to raise the Country, and with all their power to apprehend such malefactors, and commit them to prison, there to remain until due execution of the Law be done upon them: and all Lords of Seignories, & all other the Kings liege people, ought to be attendant to the Sheriff and other officers with all their power and force herein, by the Stat. of 17 R. 2. cap. 8.

A Sheriff ought to dwell within the County in his person during the time of his Sheriffwick, and he ought not to let his Office to farm, both by his oath, and by the Statute of 4 H. 4. cap. 5.

A Sheriff ought to foresee and provide, that neither his Undersheriff, nor any of his Clerks, bailiffs, or receivers, be an Attorney in any of the Kings Courts, during the time of his Sheriwalty, both by his oath, and also by the Stat. of 1 H. 5. cap. 4.

Every Sheriff ought to proclaim the Statute of Purveyors four times in his year, upon pain of a hundred shillings for every time failing therein, and he ought also to deliver that to his successor to proclaim upon the like pain, by the Stat. of 1 H. 6. cap. 2. But this is never done.

Sheriffs ought to make due election of Knights for the Parliament by the Freholders of the County, and that in open County-Court, and between 8. and 11. of the clock in the forenoon of the same day, by the Statute of 6 H. 6. cap. 6. upon pain of a C. li. and a

years

years imprisonment without bail or mainprize.

Sheriffs ought to return upon every precept directed unto them from Justices of Peace to inquire of forcible entries, upon every Jury twenty shillings issues at the first day; and Justices of Peace have power and authority to hear and determine those defaults by Bill or Indictment; and Sheriffs shall forfeit for every default twenty pounds, whereof he that will sue shall have the moiety, by the Stat. of 8 H. 6. cap. 9.

And Sheriffs ought to return in Writs of Attaints, in plea of Land of the yearly value of forty shillings, or in actions for Deeds concerning lands to such value, and in actions of forty pounds or more, such persons inhabiting within their Bailiwick which can dispend xx. li. per annum besides all charges, for term of life at the least, and out of ancient demesn, Gabelkind, & Cinqueports; and upon the first distress xl. s. and upon the second C. s. and after double issues upon the Jurors, upon pain of x. li. to the King, and x. li. to the party grieved. And if there be not sufficient persons inhabiting within the County, which can expend xx. li. per annum, then they shall impannell other persons of the most sufficient in possession of yearly value of lands under the value of xx. li. per ann', upon pain of x. li. to the King, and x. li. to the plaintife, by the Statute of 15 H. 6. cap. 5.

A Sheriffe may not occupy h's office above a year; and if he doe, he shall forfeit two hundred pound, and be disabled ever to be Sheriff

riff of any County after, by the Statute of 23 H. 6. cap. 8.

No Sheriff ought to let to farm his County, nor any of his Bailiwicks, or Hundreds, or Wapentakes; for it is both against his oath, and contrary to the Statute of 23 H. 6. cap. 10.

No Sheriff, Bailiffe of Liberty, nor any other Officer, shall return in any Pannell or Jury any of his Bailiffs, Officers, or Servants to any of his Officers, by the Statute of 23 H. 6.

No Sheriffe, nor any to his use, shall take any thing of any person to be arrested or attached, nor for sparing of any arrest or attachment, for Fine, Fee, Suit of prison, Mainprise, letting to Bail, or for shewing any ease or favour to any such person so arrested, but onely for the Sheriff twenty pence, the Bailiff which maketh the arrest four pence, and the Gaoler (if the prisoner be committed to prison) four pence, by the Statute of 23 H. 6. cap. 10.

And a Sheriffe ought to take but four pence for the Copy of a pannell, & two shillings for return of a pannell, by the Statute of 27 El. ca. 12. Forfeiture x. li.

Sheriffs ought to let to bail all persons being in their keeping, by force of any Letter, Bill, or Warrant, in any personall action, or upon Indictment of trespasse, upon reasonable Surety, having sufficient in the County, to appear at the day and place as those letters, bills or warrants require, except such persons as are in their guard or custody upon a Capias ad satis-

satisfacienā, utlagary, or excommunication, or for surety of the peace, or by commandment of any Justices, and vagrants which refuse to serve: Vide Dyer fol. 324. He is of opinion that the Marshall of the Kings Bench is within the compasse of the Statute of 23 H.6. c.10. But the Warden of the Fleet and the keeper of the prison at Westminster are not within the compasse of that Statute, for they are excepted.

Note, that a Sheriff ought to take Band for the appearance of his prisoner with two sureties, having sufficient within the same County; otherwise the Obligation is held to be void: & it must be made to the Sheriff by the name of the Sheriff, and not to the Under-sheriff; and there must be nothing inserted into the condition of that Band, but that the defendants shall appear in the Court from whence the writ issued at the day of the return thereof, to answer to the plaintif in his action. Plo. Commentā fol. 68.

If more be inserted into the Obligation then is for the appearance of the party bound, the Band is void, p Mountague chief Justice, Commentar 68. in Manninghams case there.

A void band.

A Band entred into by a prisoner to any person save only to the Sheriff, for the inlarging of a prisoner, is not good, but meerly void in law, by the Statute of 23 H. 6. cap. 10. And so it is where a band is given to the Sheriff by a stranger, for the inlargement of a prisoner that is not bailable, p 37 H.6. & Dyer 2 & 3 P. & M. fol. 119.

A She-

A Sheriff having an Attachment retorn' coram dicto Rege & consilio suo in Camera stellat' apud Westm' in quind. Paschæ ad respondend dicto Domino Regi & consilio suo de quodam contemptu, & ad fac' & resp. ulterius, &c. doth arrest the party, and takes band for his appearance indorsed with such condition, that if the party arrested shall personally appear before the Kings Majesty and his Counsell at Westminster in Quindec. Paschæ, and then and there shall answer to a contempt by him committed, that then, &c. It was a question whether this Band and Condition was good in Law or no, because these words then and there were added unto the condition, which was more then the Statute of 23 H. 6. would warrant: and it was demurred on in law. But by the opinions of Dyer and Windham it was thought to be a good Band and Condition, notwithstanding those words were added. Yet Mead was of a contrary opinion. But Termino Mich. Anno 22 & 23 El. judgement was given for the plaintife. Dyer 364.

Sheriffs ought to take no Obligation for any thing whatsoever it be, or by colour of their office, but only to themselves, nor of any person being in their custody, but by the name of the office, naming him Sheriffe in the Obligation, upon this condition that the party shall appear at the day and place in the writ or warrant specified: and if any Obligation be taken by colour of their office in any other form, it is void. 23 H. 6. ca. 10. Forfeiture xl. li.

And Sheriffs ought to take no more but 4.d. for

for making of any obligation, warrant, or precept, by the same law.

And Sheriffs ought to make proclamation when they have received letters for the levying of expences of the Knights of the Parliament, at the next County-court after the receipt of these letters: and the Coroners ought to be there to sesse the wages, upon pain of xl. s. and they ought to assesse every Hundred at a certain sum by it self, and after every village within the Hundred at a certain summe: and if they doe it otherwise, they shall forfeit for every default xx. li. and he that will sue shall have the moiety thereof with treble damages. 23 H. 6. ca. 11.

Forfeit xl. s & xx. li.

And every Sheriff, after the receipt of the Kings Writ for summoning of the Parliament for the election of Knights for the Parliament, ought forthwith to make out his warrants under the seal of his office to every Maior and Bailiffs of Cities and Boroughs within the County, commanding them thereby to chuse Citizens and Burgesses to come to the Parliament: and those Maiors and Bailiffs must make a lawfull return of that precept to the Sheriff by Indenture made between them and the Sheriff of their election, and of their names which are elected: and the Sheriff must set his hand and seal of Office to the one part of the Indentures, and then deliver it to the Maior, or the Burgesses, or Citizens, to be kept; and to the other part the Maior, and Citizens, or Burgesses, must set their hands and seals, and deliver it as their deeds

deeds to the Sheriff, to be certified and returned by him with the writ of ſummons to the Clerk of the Crown, who will have 4. s. for his fees for every Indenture, as I do take it.

The form of the Indenture for the Knights for the Parliament.

HEc Indentura fact' in pleno com' South. tenᵗ apud caſtr̄ Winton' die Lunæ ultim' die Maii, anno regni, &c. reciting the Kings Stile at large, inter F. P. mil' vic' comit̄ prædᵗ ex una parᵗ̄, & C. H. mil' H. D. arm' & D. B. arm' &c. & multᵗ̄ al' perſon' com' prædᵗ & elector̄ duorum militᵗ̄ ad Parliament' in br̄e huic Indent' affix' ſpecificatᵗ̄ ex altera ꝑte, qui ut major pars totius Comitatus prædᵗ tunc ibm̄ exiſtenᵗ̄ juratᵗ̄ & examinatᵗ̄ ſecundᵗ̄ vim form' & effectum diverſorum ſtatutᵗ̄ inde edit. & proviſ. elegerunt H. W. & E. M. mil' infra com' prædᵗ commorantes, gladiis cinct' milites habiles & magis idoneos & diſcretᵗ̄, dantes & concedentes prædᵗ duobus mil' plenam & ſufficientem poteſt' pro ſe & totᵗ̄ comitᵗ̄ prædᵗ ad faciend. & conſentiendᵗ̄ hiis quæ ad Parliam' in dict' brevi contentᵗ̄ de communi conſil. regni dicti dom' regis nunc Angl' contigerit ordinari ſuper negotiis in dicto brevi ſpec'. In cujus rei Teſtimon' uni parti hujus Indenturæ penes dictᵗ̄ dominum regem remanentᵗ̄ partes prædict' ſigilla ſua appoſuerunt, alteri vero parti ejuſdem Indentᵗ̄ prædᵗ vic' ſigillum ſuum appoſuit. Datᵗ̄ die, anno & loco ſuprad, &c.

The

The form of the Indenture for the Citizens and Burgesses.

THis Indenture made, &c. reciting the day, the year, and the Kings Stile at large, as before, &c. witnesseth, That by vertue of a Warrant to me directed from Sir F. Y. Knight, Sheriff of the County of Southampton, for the electing and chusing of two Burgesses, men of good understanding, wit, knowledge and discretion, for causes concerning the weal publick of this Realm, to be at his Majesties high Court of Parliament to be holden at his Highnesse City of Westminster the xxvii. day of October next coming, I I. F. Mayor of the Borough of C. in the County of S. with the whole assent & consent of the rest of the Burgesses there, have made choice and election of Y. Y. of the Middle Temple Esquire, and W. S. of L. Esquire, to be Burgesses of our said Borough of C. to attend at the said Parliament, according to the tenor of the said warrant to me directed in that behalf. In witnesse whereof I have to these presents set our common seal of our said Borough, the day and year first above written.

A Sheriff ought not to execute the office of a Justice of Peace during the time that he is Sheriff, 1 M. ca. 4.

Where any men by dissimulation, flattery, or by any cunning, sleight, means or practice, do make themselves to be beloved of any sole woman, as maid or widow, which maid or widow

bow have great poſſeſſions, or great ſtore of goods or money, and to deceive them of it, and to gain it for themſelves, do by fraud gain the poſſeſſion of ſuch women, and do convey and keep them in ſuch places where they will not ſuffer them to goe from them at liberty to diſpoſe of their own as they liſt, unleſſe ſuch maid or widow will enter into Bond or Statute to pay ſome great ſumme of money; or elſe bind them from marriage with any but to ſuch as they will nominate and appoint: for remedy hereof it is ordained, that the party ſo bound ſhall have a writ in the Chancery containing all the matter of ſuch unreaſonable dealing, called a ſpecial *Supplicavit*, directed to the Sheriff of that County where ſuch wrong is offered, commanding him thereby to make proclamation at his next County-court after receit thereof, that the defendant appear at a certain day and place prefixed in the ſaid writ before the Chancellor, or before the Judges of aſſiſe of that County, or before ſome other perſon aſſigned by the Chancellor: and the Sheriff is bound to execute ſuch writs, according to the tenor of them, upon pain of 300 li. the one moiety thereof to the King, and the other half to him that will ſue by Action of Debt, where no wager of Law, protection or forrein plea, ſhall be allowed, by the Statute of 31 H. 6. cap. 9. Forfeiture CCC li.

Upon information made to a Juſtice of Peace or other Juſtices, againſt any perſon for retaining or giving livery to any, or againſt any which is retained, the Juſtices ought to make

proceſs upon this information as upon a recovery in debt or treſpaſſe; and the Sheriff ought to return no leſſer iſſues in any ſuit brought hereupon againſt any perſon that is ſufficient then 20 s. at the firſt day upon the diſtreſſe, and at the ſecond day 30 s. and at the third day 40 s. and ſo at every day after more by ten ſhillings in iſſues, upon pain for every return twenty ſhillings, anno 8 Ed. 4. cap. 2.

The ancient Sheriffs may return Writs and execute their Office during the Terms of Saint Michael and Hilarie after the year their Office is ended, if they be not before that time lawfully diſcharged of their Office, 17 E. 4. cap. 7.

No Sheriff or any other Officer ought to releaſe or take from any perſon arreſted or impriſoned for Felony his goods, untill the ſame perſon arreſted or impriſoned be duly convicted and attainted of the ſame felony by due courſe of law, viz. either by triall, confeſſion, or outlawry, upon pain to forfeit the double value of the goods ſo taken to the party grieved, to be recovered by action of debt, wherein no wager of law, eſſoin or protection, lieth, anno 1 R. 3. cap. 3.

Sheriffs which have the cuſtodie of the Gaol ought to certifie the names of their priſoners which are in their cuſtodie for Felony, to the Juſtices of the next generall Gaol-delivery, in a Kalender, upon pain of a hundred ſhillings for every default, anno 3 H. 7. cap. 3.

Alſo no Sheriff, nor no other perſon in his name, or by his commandment, ſhall enter any

Plaints

Plaints into their Books in any mans name, unlesse the plaintiff be there in his proper person, or else by his sufficient Attorney or deputy, that is well known to be of good name and behaviour; and the plaintiff ought to find pledges, such persons as are known in the Court, to pursue his Plaint. And a plaintiff shall have but one plaint for one trespasse, or one contract. And if the Sheriff, or any other of his Officers, cause to be entred any more plaints then the plaintiff hath cause of Action for, then the Sheriff or his Clerk that doth contrary to this act shall forfeit for every default forty shillings, the moiety to him that will sue and prove the same matter by action of debt or information.

Also the Sheriff shall make sufficient Precepts after such plaints entred, but not before, against the defendants, directed to the Bailiff of the Hundred, to attach or warn the defendant to appear at the next County-court, and answer to the said plaints. And if there be any default in the said Bailiffs in the execution of their offices, according to the tenor of their precept, then they are to forfeit 12. s. and to be convicted thereof by examination of the Justices of Peace, or by any of them.

Also the same Sheriff, or his deputies, shall not make any extracts to levy the Shire amerciaments, untill that two Justices of Peace, whereof one to be of the Quor, have the sight of their books, and the extracts to be indented between the Justices of Peace and the Sheriff and Undersheriff, sealed with their seals, the

one part thereof to remain with the said Justices, and the other part with the Sheriff, for his warrant to levy the amerciament by.

And that those persons that shall be gatherers of the said amerciaments shall be sworn by the said Justices, that they take no more money then is forfeit, and certified in their extracts, sealed with the seals of the Justices to the same, upon the same pain of forfeiture as is above rehearsed, to be convict by examination of the same Justices, or one of them. And the same Justices of Peace shall be appointed at the Sessions holden at Mich. by him that is Custos Rotulorum, or in his absence by the eldest of the Quorum, to have the controlment of the said Sheriffs, Undersheriffs, Shire-Clerks, and others of their said Officers, and the said Sheriffs amerciaments. And the said Justices of Peace, upon suggestion, shall make process against the Sheriff, Undersheriff, Shire-clerk, or other Officers, to appear before them to answer to such suggestion or information, as is used in action of Trespasse, by the Statute of 21 H. 7. cap. 15.

Also every Sheriff, upon a Precept to him directed from the Justices of Peace to return them a Jury to enquire of any Riot or unlawfull Assemblie committed, shall return four and twenty persons dwelling in the Shire, every one of them having xx. s. per annum of freehold, or 26 s. 8 d. per annum copihold, or of both, besides all charges; and to return issues upon every person which maketh default, xx. s. at the first day, and at the second

day

day xl. s. And if default be in the Sheriff for returning of persons insufficient, or for not returning of issues in form aforesaid, then he doth forfeit twenty pounds. Anno 19 Hen. 7. cap. 13.

Also if any Riot or unlawfull Assembly be in any part of the Realm, the Justices of Peace, or two of them at the least, and the Sheriff or Undersheriff, may come with the power of the County, if need be, and arrest and restrain such misdoers: and these Justices and the Sheriff have power to record that which they find done in their presence against the Law; and such misdoers shall be convict by that Record. And if they be gone before the coming of the Justices, and the Sheriff or Undersheriff, then the same Justices, or two of them, ought diligently to inquire thereof within one moneth after such Riot or Assemblie made: and if the truth cannot be found out within one moneth then next insuing, then those Justices, or two of them, and the Sheriff or Undersheriff, shall certifie the King and his Councill thereof, and of all the circumstances thereof; which Certificate shall be as an indictment of twelve men, whereunto they shall be compelled to answer. Anno 13 H. 4. cap. ultimo.

And if the said Riot or unlawfull Assembly be not found by reason of any Imbracery or Maintenances of the said Jury, then the said Justices of Peace and the Sheriff and Undersheriff, over and beside such Certificate that they must make, according to the said Statute

of anno 13 H. 4. shall in the same Certificate certifie the names of the same maintainers and imbracers in that behalf, if any be, with their misdemeanors that they know, upon pain of every of the said Justices, and Sheriff and Undersheriff, twenty pound, if they have no reasonable excuse for non-certifying of the same: which Certificate so made shall be one Inditment in the Law. And every person duly proved to be a maintainor or imbracer shall forfeit twenty pound, and be committed to ward, there to remain by the discretion of the Justices. Anno decimo nono Hen. septim. cap. 13.

Also that no Sheriff upon writs and precepts directed unto him to return before Eschetors, or Commissioners, shall return any person to inquire of any lands or tenements, except he have lands or tenements of the yearly value of xl. s. above all charges in the same Shire, upon pain of forfeiture for every person so returned an hundred shillings. Anno 3 H. 8. cap. 2.

Also all pannels put in by the Sheriff before any Justices of Gaol-delivery, or before Justices of Peace, whereof one to be of the Quorum, in their open Sessions, to inquire for the King, may be reformed by putting to and taking from of the names so impannelled by discretion of the same Justices. And that the same Justice or Justices shall command every Sheriff, and their ministers in their absence, to put other persons in the same pannels by their discretion, and the same pannell so returned by the

the Justices to be good. And if any Sheriff do not return the same pannels so reformed, then every Sheriff so offending shall forfeit xx. li. half to him that will sue by action of debt, bill or complaint, where such shall happen to be, and no wager of Law, Essoin or Protection, therein to be allowed. Tertio Henr octavi cap. duodecimo.

Also upon every Exigent where Writs of Proclamation are to be awarded, the same Writ of Proclamation is to have the same day of return that the Exigent hath, and to be delivered of Record by the Exigenter of every Shire. And the Sheriff is to make a Proclamation three severall days in his County, whereof one Proclamation is to be made at the generall Sessions in those parts where the party is supposed to be dwelling, there to yield his body to the Sheriff of the forrein Shire, that that Sheriff may have the body at the day of the return of the Exigent to answer to the plaintiff. And that the Sheriff of the County that hath such writ of Proclamation duly execute and return the same at the day, upon pain to forfeit such amerciament as by the Justices before whom the said writs shall be returnable shall be assessed. Anno 6 H. 8. ca. 4.

Also Sheriffs which have the custody of Gaols shall make seals to be graven with the name of the Castle that they keep, for to give and seal letters to prisoners acquitted, to beg for their fees within the Hundred where they be delivered, by the space of six weeks next after their delivery, and then to goe to the Hun-

dzed where they last dwelled by the space of three years, or where they were born. The Sheriff shall not suffer such prisoners to beg for their fees, nor to depart out of prison to doe service and labor, untill he deliver to them such letters; and the Clerk of the Peace is to make such letters within one day after the Sessions, when such prisoner is acquitted, upon pain of xii. d. to the King, by the statute of 22 H. 8. cap. 21. & 5 El. cap. 4.

Sheriffs ought to keep their County-court every moneth, if it hath been accustomed to be so kept. Magna chart cap. 33.

The King commands that Sheriffs and their Officers, which receive his debts, shall acquit the debtors upon their account, when they have received his debts, and then it shall be allowed upon their accompts in the Exchequer: and if the Sheriff doe otherwise, and be thereof convicted, he shall then pay three times as much as he hath received to the party grieved, and also be fined at the Kings pleasure. Westm̃ 1. cap. 20.

Sheriffs and others which have levied the Kings debts, and given acquittances to the debtors, and yet do not acquit them, it is accorded and set down for a Law, that when the Sheriff is impleaded for it in the Exchequer, if he come not in upon the first distresse, then shall goe out another with proclamation, which must be made in full County, that the defendant do come in at a day certain, and acquit the debtor of the money which he did receive; and if he come not in, then he shall be con-

convicted by default, and the debt levied upon him as a debt recovered against him in the Kings Court, and the plaintiff shall have therein damages according to the discretion of the Barons, by the stat. of 14 E. 3. cap. 1.

And it is the Kings commandment, that all Sheriffs and Bailiffs which have received the Kings debts of the summons of the Exchequer, if they acquit not the debts upon their account, that then they shall be punished according to the Statute de Districtionibus Scaccarii, cap. 5.

And it is ordained that execution of writs which are brought to Sheriffs should be done by the Bailiffs of Hundreds sworn and known, and in full County, and not by others, unlesse those Bailiffs will not or cannot execute them; then they are to be done by other convenient person or persons sworn, by the statute of Lincoln, cap. ultimo.

No Sheriff shall suffer a Barreter to maintain any actions or quarrels in their County-courts, nor Stewards of great men, or any other, which is not Atturney to his Lord or Master; nor they shall not pronounce judgements there, unlesse they be thereunto required by all the suitors. Westm 1. cap. 23.

It shall be lawfull for every Sheriff, Justice of Peace, and Escheator, to seise to the Kings use all such goods and chattels as Egyptians have within their charge, and thereof to give an account to the King in his Exchequer for the moiety thereof, and to detain and keep the other moiety to his own use, and to pay no

fine

fees neither for the account, nor for the charge thereof.

In these Statutes it appeareth what things Sheriffs ought to doe by reason of their office, and that they ought to take nothing for doing of their office, but that only which is appointed for them to take by the same Statutes. If they doe otherwise, it is extortion in them, and it ought to be inquired of by the Justices of Peace, and by them punished accordingly.

And it is ordained by the Statute of 1 H.4. cap.5. that if any Sheriff doe any extortion to the people, and thereof be duly attainted, that he shall be duly punished for the same extortion at the Kings will.

A Sheriff may and ought at his Turns to inquire of common Nusances done to all the Kings subjects, but not of Assaults made to a sole person. Per Martin' anno quarto Hen. sexti, 8 Edw. 4,5. Dyer 234.

A Sheriff ought to keep his Turns within a moneth after Easter, and within a moneth after Michaelmas; and if he keep it at any other time after the moneth, it is void by the Statute of 13 Ed. 3. cap. 19. and all indictments and presentments taken there after the moneths are expired, are void by the Statute of 38 H. 6.

A Sheriff may inquire of bloudsheds in his turn: for if any thing be omitted in a Leet, it may be inquired of at the Sheriffs turn; for all Leets were derived and taken out of the Sheriffs turn. Pasch. 8 E. 4. 29 E. 3. 27. 43 E. 3. 20. 20 E. 3. 3.

And

And all the Justices were of opinion that a Sheriff hath authority to inquire of all things in his Turns that are either trespasse or felony at the Common Law, except of the death of man; but he cannot inquire of trespasse or felony by statute in his Turn. 28 E. 3. 95. 21 E. 4.

If a Sheriff inquire of Nusance in his turn, and it is there found, which should have been inquired of in a Leet; now the Sheriff cannot distrain for his amerciament, for if he do, he is a trespassor. But if default be in the Lord of the Leet, for that he did not inquire thereof, it seemeth then that the Sheriff by the Lords default may inquire thereof in his turn. 28 E. 3. 95. 29 E. 3. 27. 10 H. 4. 21 E. 3. 3.

If a man have a fair or a market by grant or by prescription, and doth not keep his fair or market as he ought to doe, the Sheriff may inquire of this in his turn.

Upon a presentment of a Nusance in the Sheriffs turn, the offendor shall be amerced; there the Sheriff may distrain for that amerciament. And if a Purpresture be presented there, the Sheriff may abate it and return it. Pasc' 25 E. 3.

It appeareth by Master Britton, that all the Freeholders and Terre-tenants inhabiting within the Hundred ought to come to the Sheriffs turn, none excepted, but Knights and Clergy-men, their wives and children. And there twelve at the least of the sufficientest Freeholders within the Hundred ought to be impannelled and sworn to inquire and present

all

all things there inquirable and presentable, and all the rest which appear there ought to be sworn by the Dozeners and villages to present to the said Jury all such things as shall be given them in charge. And it seemeth that the Sheriff ought to keep his turn in every Hundred within his County, and there punish all things which have been omitted at the Leets or Law-days there.

Also by the same Law it seemeth that they ought to inquire there of pettie treasons, homicides, rapes, robberies, burglaries, and of all manner of felonies by the Common Law, and of all other things inquirable at a Leet, according to the Statute of 18 Ed. 2. de Vis' Franc' Pleg.

And when the Dozeners and villages have delivered their presentments to the said Jury, and the Jury when they are agreed of their presentments, then they must give up to the Steward or the Court-keeper such presentments as they will stand to and abow; and if there be any of felony, they must deliver up these by themselves to the Steward privily, and the rest openly.

But this Court is now almost out of use, since Sheriffs have used to sell both their Sherifwicks and Bailiwicks to men of mean estate, that will not regard the good of the Commonwealth, but altogether their own private gain and profit, whereby the King is many times much wronged and deceived, between the Undersheriff and the Bailiffs, of all his waifs, strays, and felons goods, which are

taken

taken up by the Bailiffs, and never accounted for; which may touch the Sheriff in his credit and reputation: for when he entreth into his account for the payment of the Kings debts, he is then sworn to answer and account for all waifs, strates, and felons goods, debts, perquisits and profits, which he seldome or never knows of, because those ancient Courts are not kept as they ought to be, and therefore how he may dispense with his oath herein is the question.

There is a Writ in the Register, fol. 174. whereby a Sheriff may remove all his Bailiffs of Hundreds, Wapentakes, Tithings, & Liberties, which have not lands or tenements sufficient within the County. And Sheriffs Bailiffs one year ought not to be in that office in three years after, by the Stat. of 1 H. 5. ca. 4. because by their continuall being in the office they grow so cunning, that they are able to deceive both the King, the Sheriff, and the County.

And Sheriffs Bailiffs ought to be sworn unto the Supremacie, and to exercise their Office duly and truly, by the Statute of 27 El. capitul. 12.

The nature of Executions, and of how many sorts they are.

THey are of six sorts or degrees; viz. upon a Statute-merchant, a Statute-staple, a Recognisance, an Elegit, a Capias ad satisfaciend, and a Fieri fac'. And a Sheriff cannot law-

lawfully break any mans house to doe execution upon any of these justifiably, except the King be a party; for Domus sua cuique est tutissimum refugiū, as hereafter shall appear. If a man be bound in a Statute-merchant, execution shall be done thereof thus. First a Writ of Certiorar̄ must be sued forth of the Chancery, directed to the place where the Statute was acknowledged, to certifie the acknowledgement of the Statute into the pettie-bag-office in the Chancerie; and upon that Certificate shall goe out a Capias against the body onely, si laicus sit, returnable in the Court of Common Pleas, or in the Kings Bench: and upon the return of that with the Sheriff of that Shire to whom it was directed, quod laicus est, & non est inventus in balliva sua, then within a quarter of a year after shall goe out an Exigent against all the cognisors lands and goods, and against his body. And for your better satisfaction herein see the Statute de Mercatoribus 37 H. 6. fol. 6. and Fitzhe bert 130. G.

A Statute-staple must be certified in the like manner as a Statute-merchant, and upon that shall goe forth a writ of execution both against body, land, and goods, returnable in the Chancery in the pettie-bag-office there, and not in the Court of Common Pleas, or Kings Ben h, as the Writ of execution upon a Statute-merchant shall: and upon the return of this writ, such lands and goods as are taken in execution shall be delivered to the cognisee by the Sheriff, by another writ called a Liberate, and not before. And note that all the fee-simple

lands

lands which the cognisor had at the time of the acknowledging of the said Statute, or at any time after, are liable to both the said Statutes; but no intailed land, but during the cognisors life, nor no copihold land, nor no goods, nor leases for life or years, but such as the recognisor hath in his own use and possession at the time of the execution done. Fitz. 131. D.

Note that if a Statute-staple be returned and filed, the cognisee can have no Liberate into any other county. 2 R. 3. fol. 7.

Upon a Recognisance there shall not goe out a Capias, but Scire fac', returnable in the Chancery; and upon the return thereof they do use to award a Capias, a Fieri facias, or an Elegit, at the choice and election of the cognisee. 48 Edw. 3. fol. 14.

By an Elegit the Sheriff may take in execution one half of the land of the cognisor, and all his goods, præter boves & afros de caruca sua. A Capias ad satisfaciendum is onely against the body, which the Sheriff must be sure to keep safe, or else he may perhaps pay the debt, if his prisoner do escape either with his leave or consent, after that he is once in execution; for then the Sheriff hath small remedy or none at all: but if he do escape against the Sheriffs will, and without his consent, then the Sheriff may take him again, if he can find him, by the same Writ, before the return thereof, or by another after, though it be in another Shire, so that he be followed with fresh suit, and taken again before the action brought by

by the plaintiff against the Sheriff for the escape. Howsoever the Sheriff in this case may have his remedy against his prisoner by his Action upon the case, if he be able to make him satisfaction: otherwise he may keep his body, and his prisoner in this case shall not be delivered by a Supersed. upon Audita querela, because he cannot take any benefit of his own wrong. But otherwise it is when a prisoner escapes with the consent of the Sheriff or Gaoler: for then he shall have and maintain if he will an Audita querela against a Sheriff or a Gaoler, as it appeareth in my Lord Cokes 3. Book of Reports, fol. 43. & 44. in Baytons case there. And in my Lord Cokes said third Book of Reports it is resolved for Law, That if a Sheriff die in the time of his Office, having divers persons in his custody, and after a new Sheriff is chosen in his place, in this case it behoves the new Sheriff to take notice at his perill of all the executions which are against any person which he findes in the Gaol; and that is a matter of necessity, for in that case there is no man in rerum natura to deliver the prisoners unto him.

Also in the same case it is resolved, that if a Sheriff die in the time of his office, and before another be appointed to that place and office, a prisoner which was in the prison in execution breaks the prison, and so is at large, this is no escape: and the reason is there alledged, because when the Sheriff died, all his prisoners were in the custody of the Law, untill a new Sheriff was chosen and set in his place.

And

And therefore although that the prisoners be in the interim out of the walls of the prison, yet the Law hath the custody of them, and preserves them in execution without any fresh suit made after them, wheresoever they be; and they may be fetched again in execution at any time after, if they can be found, and no escape in this case can prejudice the plaintiff.

Note also that if a prisoner die in execution before payment or satisfaction made to the plaintiff for his debt for which he is in execution upon a Capias ad satisfaciend. in this case the plaintiff shall have an Elegit against the defendants lands and goods, if he had any lands in fee-simple, at or any time after the Judgement was had against him, or any goods at the time of his death. And it is Blomfields case, in the fifth Book of Sir Edward Cokes Reports, f. 87. and Fitz. nat br. fo. 246.

Also when a man is in the Sheriffs custody by the process of Law, and after another Writ is delivered to the Sheriff against the body of him which is then in his custody, the Sheriff in this case must be answerable for his prisoner, although he do not arrest him by the second Writ, by the Judgement of the Law; for Lex non præcipit inutilia. And this in Frosts case, in the fifth Book of Reports, f. 89. and with this agreeth 7 H. 4. 30.

If a Capias, viz. a mean process, be executed, and not returned, the arrest is tortious and a wrong, for the arrest is made to that end that the defendant should appear to answer to the plaintiff in his action. But in all Writs

of execution except an Elegit, if the execution be duly done, although the Writ be never returned or filed, it is no great matter, if the plaintiff have his demand; for then he hath no cause to proceed any further therein. But in case of an Elegit, because the Extent is to be made by an Inquest, and not by the Sheriff alone, that ought to be returned, or else it is nothing worth; as it appeareth in Hoes case in the said 5. Book of Reports, fol. 90. and by Fulwoods case in the 4. Book, fol. 65.

Also it is resolved in Seymans case in the said 5. Book of Reports, fol. 91. that a mans house is to him his Castle, as well for his defence against injury and violence, as for his rest and repose, and that a Sheriff cannot justifie the breaking of any mans house to execute a Capias ad satisfaciend' or a Fieri fac', but if he doe, it is at his perill, and he is therein a trespasser, if the King be not a party; for domus sua cuique tutissimum est refugium: but if the King be a party, then the Sheriff may justify the breaking of a house to doe execution of his process, if he cannot otherwise execute his process; but first he ought to make request to open the doors, by the Stat. of Westm. 1. cap. 17. & 41. of the Assise placit 17. if he break the doors when he may enter otherwise. Yet in the said Seymans case it is resolved, That a Sheriff upon an Habere fac' seisinam or possessionē may break a house, and deliver seasin and possession thereof to the plaintiff: and the reason therein is, because that after judgement, it is not the defendants

dants house in right and judgement of Law.

Also whether it be for felony or suspicion of felony, the Kings Officer may break another mans house to apprehend a thief, and that for two reasons; viz. one for the good of the Commonwealth, and the other is for the service and duty which he owes to his Prince: for in every felony the King hath an interest; and where the King hath any interest, the Writ is a Non omittᵃ propter aliquam libertatem, and therefore the liberty or priviledge of any mans house will not hold against the King. But where the King hath no interest, but only a common person, a Sheriff, although he make request to open the doors, and denial is made, if he should then break them, and so enter and doe execution, thereof might rise great inconvenience, that men in the night as well as in the day should have their houses broken upon any feigned matter. For although that a Sheriff be an Officer of great authority and trust, yet it appeareth by daily experience, that all or the most part of the Kings Writs are executed and served by Undersheriffs and Bailiffs, which most commonly are persons of small value and account. And all the authorities which do prove that when the Process do concern the King, that the Sheriff may then break the house of any Subiect to execute them, if otherwise he cannot execute them, implieth that at the suit of a common person the house cannot be broken justifiably. And with this resolution agreeth the book in 6 Edw. 4. fol. 9. A Fieri facias is only against the goods and chattels

of a man, as movable goods, or Leases for years. And the Sheriff had need to be very carefull how and after what manner he doth execute this Writ, lest he burn his fingers: for if the goods or Leases which he taketh in execution be not the defendants own goods or Leases, although he may find them in the possession of the defendant, which is the best colour in Law to prove them his, if he use them and take the profit and the benefit of them; see in Twynes case in Sir Ed. Cokes 3. Book of Reports.

Also sometimes it doth fall out, that the goods and chattels which a Sheriff upon such a Writ taketh in execution are not the defendants, and then the Sheriff is a trespasser to the Owner of the goods: as if the Lands be pawned to the defendant, they are none of his untill the day of the redeeming of them be past. 34 Hen. 8. Pledges 28. & 4 Edw. 6. distr 75. So if a man bona fide make a Lease of his Oxen for years, and after is condemned in a personal Action, these Oxen during the time shall not be taken in execution. 22 E. 4. fol. 10.

In debt where three are bound jointly and severally, and three Judgements are had against them, in this case if execution be done against one of them, the others shall have a Supersedeas: But in Trespasse against three, execution against one of them sufficeth not; and the same Law is in a joynt-debt. 4 Eliz. fol. 39.

If goods taken in execution upon triall are found

found to be none of the defendants, then the Sheriff shall pay damages to the owner of the goods, to the value of the goods so taken, and costs of suit, although he hath delivered them to the plaintiff in execution. Or if he have not delivered them to the plaintiff, if he have returned his Writs, that he hath taken so much goods of the defendants, and that he hath denarios illos paratā ad reddend' to the plaintiff, then he is at a double mischief: For although the value of the goods be recovered against him by the owner of the goods, yet the plaintiff in the action may within the year after execution done have a Scire facias upon the judgement and return, and thereby compell the Sheriff to bring the money into the Court; and after the year he may have an action of debt against the Sheriff for it, if he be not otherwise ordered by the Court where the Judgement is depending. And therefore in this case the surest course for the Sheriff is, either to keep the goods untill the parties be agreed, or else to take good security of the plaintif to defend him and save him harmlesse, and to stay the returning of his Writs untill he may be well advised what to doe therein: for if he take a bond of the plaintife, it is questionable whether it be good or no in Law, and not within the compasse of the Statute of 23 H. 6. to be taken colorē officii. Sed hoc quære.

It is resolved in Mittons case in my Lord Cokes 4. Book of Reports, fol. 33. & 34. that both the County-court and the Gaol are appertinent and belonging to the Sheriffs office,

and ought not to be severed, no more then the Sheriffs turn from the office; and it was the opinions of Popham and Anderson the 2 Lord chief Justices, and with that agreeth the Judgement of the Parliament ann° 14 E. 3. ca. 10.

Now next I will say something as concerning a Sheriffs account, which will trouble him most of all, if he be never so skilfull therein, it is so tedious and so chargeable: for if he get by his office, he will go nigh to be stripped clean out of it in paying of Exchequer fees, and other extraordinary charges which he cannot avoid, as experience hath taught me. And there is no way to help it, as I think, but by an Act of Parliament. And therefore it is no marvell that the Undersheriffs make shipwreck of their consciences, to catch what they can to save themselves, and that which they had before they entred into that office: for what between some of their high Sheriffs covetousnesse in taking money for their office, and extremitie shewed to them and their sureties upon every light and small occasion, and the extreme taking of ordinary and extraordinary fees of Exchequer-men, a poor Undersheriff is stripped out of all that ever he hath or can make, if he do not hedge so as he may be still in action every year, as a Fox is stripped out of his skin. And yet few or none will pitie him, for in every Court where he is called in question, the name of an Undersheriff is so odious, and many times not without just cause, that oftentimes an honest man is condemned

demned to be a knave, before he is heard speak for himself: nay, he is so odious, (I mean a lewd extorting Undersheriff) that a Thief by the Kings generall Pardon receives more favour then he can: for a thief is thereby pardoned of all felonies for the which he might have the benefit of his Clergie, although he cannot read; but all misdemeanors committed by an Undersheriff are commonly excepted out of the Generall Pardon. Which is somewhat harsh, that all shall be condemned for some; for there is never an Officer the King hath taketh more pains, and undergoes more perils, and doth the King better service, then an honest, understanding and carefull Undersheriff doth: but commonly these do die beggers, by reason of the causes before alledged.

The entrance into the Sheriffs Account.

First, in Hillarie Term next after they are out of Office, the high Sheriffs and Undersheriffs of most Shires are sworn to yield and give a just and true account to the King & his officers in the Exchequer of the Kings debts, which they shall be charged withall by the Green wax of the Exchequer, and of all waifs, strays, and felons goods, which happened within the compass of their office, & of all other profits whatsoever due and belonging to the King, and chargeable on them to answer for by reason of their office, or much to this effect. Now when this is done, the high Sheriff com-

monly takes no further care, because he thinks himself secure, by reason of his security which he hath of his Undersheriff; for thereupon he rests, and seldome or never remembers what Oath he hath taken, and so commits all to his Undersheriff. Then if his Undersheriff be a carefull & an honest man, and have skill and regard to do his best endeabour to levy the Kings debts, and to pay them into the Receit duly & orderly, as they ought to be, then the high Sheriff may do well enough, and therein discharge both his Oath and his duty: but if otherwise, a lewd or an ignorant Undersheriff may both undoe his high Sheriff and himself, both in this world and in the world to come, by totting & nichiling, that is, in charging or discharging, unorderly, unhonestly, or ignorantly. For if it be totted, that is, charged, though it can never be levied, it will now hardly be avoided but it must be paid: and if it be nichiled, if it be issues of Jurors, though they be never so bad, and cannot be levied, between the old Sheriff which returned them, and the new Sheriff which nichiled them, they must be payed, though it be seven years after, if there come no pardon in the mean time, by an old Statute-law made in the 27. year of Edw. 1. And to prevent this, it behoves all Sheriffs, before they take upon them to return any Jurors, to get them a perfect book of all the sufficient freeholders names in the Shire, and especially of all which dwell in the Citadle, howsoever they doe of those which are in Liberties; but of both is best, that the one may help the other;

and

and to return few or none that be mean freeholders in the gildable, leſt by the ſaid Law they be inforced to pay their iſſues for them. Which is a thing very hardly to be brought to paſſe, unleſſe the Juſtices of Peace, in every quarter of the Country, do cauſe the Conſtables and Bailiffs to bring a true certificate thereof to the firſt quarter Seſſions that ſhall be holden in the Shire after the election of the new Sheriff, to be delivered unto him there: and this will hardly be done, unleſſe the Judges of Aſſiſe of every Shire will be pleaſed to write their letters to that end and purpoſe to the Juſtices of Peace of every Diviſion.

Now next the Undersheriff muſt go to the forrein Apposer, and with him he muſt either tot, nichil, or ſet over into liberties, all the debts and ſums of money contained in the Summons of the Green wax, and in the Extracts of the Peace of the County where he was Undersheriff. Wherein he muſt be very carefull what he doth, leſt he doe that which he cannot undoe again. And to prevent the danger thereof, his beſt way is, to examine his Book, which he is to make of all the charge contained in his ſummons and ſcedules, before and with the Bailiffs of the Shire, to have their direction which are good debts and which are not, and which are in liberties and which are not, if he himſelf do not know it, before he come to his account; and then make his Book accordingly: and then he ſhall be the better able to perform the duty of an honeſt man when he comes to his Appoſals. But herein if the

Shi-

Sheriff know not well the Countrey and the Kings debtors himself, he is many times abused by the Bailiffs, who most dishonestly will mis-inform him, and for bribes and rewards, which they take of the Freeholders, will tell him that they are either long since dead, or nothing worth, whenas they are living, and very sufficient. And they will also serve him so with the Recognisances. And by that means dishonest Bailiffs do cause Sheriffs to deceive the King of many of his debts by their ignorance against their wills, in trusting of the reports and informations of their Bailiffs. And this cannot be helped, unless the Sheriffs will leby the Kings money themselves, which they cannot possibly doe, by reason of their other businesse; or had trusty servants about them to do it truly and honestly, without grievance of the countrey, as it ought to be.

A Par-

A Particular of the ordinary charges of the Accompt the Sheriff of the County of Southampton *heretofore uſed to pay, as followeth.*

INprimis, to his Atturney in Mr. Osbornes office, for his warrant of Atturney, ij. s. vi. d. Termin. ſancti Hill. Cro' Purificationis, when he entreth into his Account.

Item, to him for his fees, and I cannot tell for what elſe, xx. s.

Item, to his man for his fees, vi. s. viij. d.

Item, to another in that office for entring of that warrant, xij. d.

Item, to the puny Baron for miniſtring of the oath, ij. s.

Item, to the Criers and Tipſtaves there, xx. s.

Item, to the Marſhall then and there, vi. s. viij. d.

Item, to the forrein Appoſer for his fee, iij li. x. s.

Item, to his men, x. s.

Item, to the Clerk of the Extracts for his fee, xx. s.

Item, to his men, x. s.

Item, to his Atturney in the Pipe for his fees, v. li.

Item, to his man for his fee, xx. s.

Item, to the Deputie of the Pipe for his fees, xxiij. s. iiij. d.

Item, to the Controller of the Pipe for his fees, xxij. s. vi. d.

Item,

Item, to his man for his fee, x. s.
Item, to Master Orms of the Pipe for his fees, xvij. s. viij. d.
Item, to the Baron for the appofall upon the ſummons of the Pipe, x. s.
Item, to him for his fee for the vicontells, x. s.
Item, to his man for his fee for the ſame, v. s.
Item, to his Atturney in the Kings Remembrancers office for his fee, iij. s. iiij. d.
Item, to his man, iij. s. vi. d.
Item, for a Writ of Aſſiſtance from your Atturney in Maſter Osbornes office, v. s. vi. d.

Termino Paſchæ.

INprimis, to the Maſter of the Pipe for his fee, xviij. li. v. s.
Item, to the maſter of the Wardrobe for his fee, v. li. xl. s. ix. d.
Item, to him for a Tally to have thereby an allowance given for it, xvi. d.
Item, for joyning of that Tally in the Pipe, iij. s. iiij. d.
Item, for Maſter Elſons fee for the forreſt of Wesbeare in Hampſhire, iij. li. x. d.
Item, for the Earl of Pembrokes fee for Burley wall in the New forreſt in the ſaid County, ix. li. ij. s. vi. d.
Item, to Sir Will. Kingſmill for his fee and reparations of Fræmantle Park in the ſaid County, xxix. li. xvij. s. v. d. ob.
All theſe five laſt payments are allowed upon the Sheriffs account, out of the Kings money, which otherwiſe ſhould be paid to the King.

Item,

Item, to the forrein Apposer for his fee, for allowance of Justices wages to the Sheriff upon the Extracts of the Peace, xl.s.

Item, to his men for their fees, xliij.s.iiij.d.

And herein the Sheriff of the said County is wronged by the Clerk of the Peace of the said County: for the Clerk of the Peace there receives all the fines, and pays the wages, and if there be any surplusage, he puts it up in his own purse; and the Sheriff pays it to the King, and never hath it; because the fines are all certified in the Extracts of the Peace, and many times the fines do exceed the wages of the Justices which are allowed to the Sheriff for wages: for he is allowed but iiij. s. a day apiece for eight Justices; and therefore accounting the fees which he pays to the Officers in the Exchequer for his allowance, he is a great loser by it, and the Clerk of the Peace goes away with the gains. Therefore this would be remedied.

Item, to the forrein Apposer, for casting up of the debet upon the scedules, of the Green wax, b.s.

Item, to the Auditor assigned for the Shire, for declaring of the account, x. li. at the least.

Item, to the Atturney of the Pipe, for giving allowance of the Justices wages, before allowed by the forrein Apposer in the Sheriffs account, xiij. s. iiij. d.

Item, to him for giving allowance of Elstons acquitance, bi. s. viij.d.

Item, to him for the foot of the Accompt, xxxiij. s. iiij. d.

Item,

Item, to his man for his pains taken therein; x. s.

Item, to the Baron for declaring of the account, vi. s. viij. d.

Item, to his man for his fee, ij. s.

Item, to his Attorney in the Kings Remembrancers office for examining of the account, v. s.

Item, to one of Mr. Osbornes office forreceiving of the Account, v. s.

Item, for copies of the seisures which the Sheriff makes himself in his year in Master Osborns office commonly, at the least v. li.

Item, for copies of the new seisures on the Kings Remembrancers side, according to the number of them, but commonly they come to about xx. s.

Item, you must leave with your Atturney in Master Osbornes office in part of payment for making your petitions upon your account, for they will cost you iiij. s. apiece, and you may perhaps have C, x. li.

Item, for another Writ of Assistance there, v. s. vi. d.

Termino Trinitatis

ITem, for entring the view of the account in Master Osbornes office, vi. s. iiij. d.

Item, in the Alienation office for viewing of the account, and for a note of the charge there, iij. s. iiij. d.

Item, if the Sheriff take the benefit of a generall Pardon, then he must goe to the Clerk of the Extracts to have scedules made of all such issues as are pardoned, and they will cost him for every scedule (as I remember) xx. d. which

which may come to iiij. or v. li. or thereabouts.

Item, to the Clerk of the Extracts man for his pains therein, xiij.s.iiij.d.

Item, then to a Baron for allowing of them, xiij.s.iiij.d.

Item, to the Barons man, iiij.s.

And this must all goe out of the Sheriffs purse without any allowance: and it is better then to oppresse the country, when they may be eased by the Pardon. For if the Sheriff leby any, he must pay it into the receit, or else he is forsworn.

Then if you carried any prisoners by writ or commandment from the Judges of Assise, you must goe to the chief Judge of Assise for his warrant, & get your allowance under his hands as good cheap as you can, for some of his men will have money of you for it, x. s. at the least.

And then when you have his hand to it, you must goe to the Chancellor of the Exchequ. for his hand to it, and his man will look for to have for his pains therein taken, at the least x. s.

Also in the Alienation office it will cost you for making of the Bond and Acquittance, with the scedules of seasures against such as have sold land held of the King without licence of alienation, xl.s.vi.d.

Item, for a warrant for a day to finish the Account untill Mich. term, which now will hardly be gotten without extraordinary favour, xl. s.

Item, to the Attorney in the Pipe office, for setting off from the Account six Amerciaments, xx. s.

Item,

Item, to his man for his pains therein to be taken, x.s.

Item, paid for discharging of the Amerciaments in Master Osbornes office, xx.s.

Item, for a warrant to set off and discharge in Sir Henry Fanshaws office, xij.s.vi.d.

Item, for another Writt of Assistance, v.s.vi.d.

Item, to the Marshall for liberty, if the Sheriff cannot goe through with his account in Trinity Term, iiij.li.vi.s.viij.d.

Item, to his man, vi.s.viij.d.

Item, to Master Osborne for ruling of your petitions, xl.s.

Item, more to his Attorney in the said Office for making the petitions, v.li.

Item, to his man for his pains taken therein, xl.s.

Item, to the Master of the Pipe for his fee, xiij.s. iiij. d.

Item, to the Controller of the Pipe for his fee, xx.s.

Item, to his man, xxij.s.

Item, to your Attorney of the Pipe for his fee, v.li.

Item, to his man, xxij.s.vi.d.

Item, for the Acquitances of two Tallies in the receit, ij.s.

Item, for striking of those Tallies, iij. s. iiij.d.

Item, for joyning and allowing of another Tally for payment of a debt de remanent̄ computi, v.s.

Item, to two Auditors for casting up of a Sheriffs

Sheriffs account in the Court when he is to be cast out of the Court, l. s.

Item, to the Baron then, xx.s.

Item, to his men, viij.s.

Item, to the Marshall then, vl. s. viij. d.

Item, to the Tipstaves and Criers then, x.s.

Item, to the Clerk of the Pipe for Recusants, xxx.s.

Item, for allowing and joyning of the Tally for Recusants debts, vj. s.

Item, to the Baron for respects for Recusants debts, xxx.s.

Item, to the Clerk of the Pipe for Recusants for allowing of that warrant, x.s.

Item, to the Master of the Pipe for the same, iij.s. iiij.d.

Item, to the Bag-bearer, xij. d.

Item, for the Quietus est to the Sheriffs Atturney of the Pipe, iij. li. vl.s.viij.d.

Item, to his man for his pains taken therein, xx.s.

Item, for the Quietus est for the Recusants, xx.s.

Cum multis aliis quæ nunc perscribere longum est. Et sic quietus est.

Summa totalis, &c.

All these summs are payed, besides all his charges and fees which he lays out and disburseth in the year that he is Sheriff, which comes to a great deal more, as experience will teach him.

Returna Brevium.

Returna Summon' Assis.

VIrtute istius præcepti mihi directi, venire feci coram Justiciar infrasc. ad diem & locum infracontent omnia Brevia Assisarum Juratorꝝ certificat. in Com̃ S. infrascript coram quibuscunque Justic' tam per diversa brevia domin. P. & M. nup Regis & Reginæ Angliæ quam per diũsa brevia domin. regis nunc, una cum Pannellis, Attachiamentis, Reattachiamentis, & omnibus aliis adminicul' Assisar Jurat & certification' ill' qualitercunque tangen: venire feci etiam coram præfat Justiciar ad Gaolam dicti domin. Regis Castri sui Winton. de prisonariis in ea existen. ꝺliberand assignat' ad præfat diem omnes prisonarios in gaola prædict. existen. una cum eorum Attachiamentis, reattachiamentis, & omnibus aliis adminiculis prison. illos qualitercunque tangen': & de vis' cujuslibet villæ & loci ubi felon. unde iidem prisonarii indict' appell' sive arrestat existunt fuer tam infra libertates quam extra xxiiij probo & legales homines quibus rei veritas melius sciri poterit & inquiri, & qui prisonar. ill' nulla affinitat attingunt, una cum quatuor hominibus & præposit villæ & loci eorum, ad faciend ea

quæ

quæ tunc ibidem hiis ex parte domini regis nunc injung. publice etiam proclam̃ feci per totam Ballivam meam, quod omnes illi qui sequi voluerint vers. prison. illos, qd' tunc sint ibi vers. eos prout justum fuerit prosecut̃. Scire feci etiam omnib' coron', Justic' pacis, seneschallis dñor̃ & magnat̃, & ballivis libertat̃ & hundr̃ com̃ prædict', quod tunc sint ibm̃ cum rotulis, record', indictament̃, & aliis memorand' suis, ad faciend' ea quæ ad officia sua pertin', prout interius mihi præcipitur.

Resid. execution. istius p̃cepti patet in quibusd' scedulis huic præcepto annexat̃.

R.O. Ar̃ Vic'.

But now the Assise præcept is generally returned shortly thus; viz.

Executio istius præcepti patet in quibusdam scedulis huic præcepto annex'.

W.S. Ar̃ Vic'.

And then ingrosse the names of the Justices of the Peace and Coroners in one scedule, the names of the Bailiffs of Liberties, the names of the Maiors, Bailiffs and chief Officers of every Corporation, in another scedule.

The names of the chief Constables and Bailiffs of Hundreds in another.

The Calendar of the Prisoners names in another.

And the Grand Jury and Jury betwæn the Prisoners, written fair in paper, untill they be sworn.

And then your Assise process being all returned, every Writ according to its nature, and execution thereupon done, annex them

all to the præcept, and so deliver them to your high Sheriff, who is to deliver them to the Judge in Court, when he is thereto called.

Memorandum. When the Jurors are sworn, you are to ingrosse their names in parchment pannels, to be delivered to the Clerk of the Assise to be annexed to the præcept.

And the warrants which the Sheriff must make by vertue of this Præcept for the summoning of the Assises to the Bailiffs of Liberries and Bailiffs of Hundreds must contain in them the whole substance of this Præcept: but whether it be in Latine or English, it is not materiall, so that it be in due form. And it is needfull that the Sheriff keep for himself a particular note of the names of such persons as he nominateth in his warrant to be summoned to serve in the grand Jury, and not to leave it to the discretion of Bailiffs to put in and out whom they list in that service.

The form of a Warrant.

ff. RObertus O. Ar Vic' com̃ præd̃ bal. libertat̃ de C. vel ballivo hund̃ de A. salut̃. Virt̃ cujusd̃ p̃cepti mihi direct. tibi mando, quod ven. facias cor̃ L. T. & L. H. Justic. Assis. in comitatu prædict', ad assisas apud Castrum Winton, decimo die Augusti proxim̃ tenend̃, seperal. person. subscript̃ ad faciend̃ ea quæ tunc & ibidem ex parte Domini Regis nunc eis injungẽtur. Publice etiam proclam̃ facias p̃ totam ballivam tuam, quod omnes illi qui sequi volue-

voluerint verſus priſonarios in gaola Domini Regis comitatu prædict. quod tunc ſint ibi verſus eos prout juſtum fuerit proſecutur̃. Scire facias etiam omnibus Coron. Juſtic. pacis, ſeneſchallis dominorum & magnat̃, quod tunc ſint ibi cum rotulis, recordis, indictamentis, & aliis memorandis ſuis, ad fac. ea quæ ad ſeperal. officia ſua pertinent; & quod tu ipſe ſis adtunc & ibidem, ad faciendum omnia ea quæ ad officium tuum pertinent, una cum hoc p̃cep̃t, ſub periculo incumben̄t. Dat̃ ſub ſigillo officii mei tali die & anno, &c.

R.O. Aſ̃ Vic'.

Then here at the end of the Warrant under the Sheriff muſt ſet down the names and dwelling-places of ſuch as he will have warned to ſerve in the grand Jury in particular, and keep a note of them, that he may be able to ſhew to the Court, if need ſhall require, who he had determined to have returned for that ſervice if they had come: and if the fault fall out to be in the Bailiff, then he ſhall be puniſhed, and the Sheriff excuſed.

Returna' ſumm' Seſſionum pacis.

VIrtute iſtius brevis mihi directi venire feci corã Juſticiar̃ infraſcript̃ apud caſtrum Winton. infraſpecificat̃ die anno & loco infracontent̄ omnes Conſtabularios & Ballivos hundred̄ infra Comitat̃ ſpecif. necnon de quolibet dict. libertatum & hundred̄ viginti quatuor Jurator̃ ad faciend̄ ea quæ eis ex part̃e Domini Regis

adtunc & ibidem injungentur: ac etiam ſcire feci omnibus Conſtabulariis & Ballivis hundred Comitat̃ infraſcript̃ quod tunc ſint ibi, habentes ſecum omnia nomina artific' laborar̃ & ſervient̃ husbandry infra hundred prædˀ vadˀ contra formā ſtatut̃ inde exceſſive capiendˀ: ac inſuper ſufficient. proclam̃ feci infra Ballivam meam, quod omnes ill' qui tam pro Domino Rege quam pro ſeipſis verſus hujuſmodi artifices, laborar̃ & ſervient̃. aliquas querelas juxta formā ſtatuti ordinationis p̃dˀ conqueri vel proſequi voluerint, quod tunc ſint ibi bill' ſuas proſ. juſticiamque ibidem ſubiter ſi ſibi viderint expediri, prout interius mihi præcipitur,

R. O. Ar̃ Vic.

South. **The Warrant muſt begin in the ſame form as the other,** quod venire facias coram Juſtic' dn̄i regis ad pacem in com̃ prædˀ apud, &c. omnes Conſtabul' &c. **according to the ſubſtance of the matter contained in the Writ, and to conclude it as the other is concluded.**

Return' dicti brevis aliquando utitur ſic.

EXecutio iſtius brevis patet in quibuſdam Pannellis huic brevi conſut̃ vel annex'.

R. O. Ar̃ Vic.

Retorn' brevis original' in debito vel tranſgr' ſi defend' ſit inſufficiens.

Pleg' de proſ. { I. Doo. R. Roo.

Retorna

Retorna Venire fac' in Officio Coronæ.

INfranõiat' A. B. nichil hẽt in Balliva mea per quod attach' poteſt.

W. S. Aꝛ̃ Vic'.

Si ſit Sum', tunc,

Infranõiat' A. B. attach' eſt p Pleg'. { Johẽm Doo, & Ricm̃ Roo.

W. S. Aꝛ̃ Vic'.

Retorn' Diſtring' ibm'.

Manucaptores infranõiat' A. B. { J. Denn, & Ric. Fenn.

Exit'—10 s.

W. S. Aꝛ̃ Vic'.

Retorn' Original' ſuper Statut' pro Roboria.

Pleg' de ꝓſ. { Johẽs Doo, & Ricũs Roo.

Sum' F. H. & C. S. } de S. in Com' meo.

Duor' Inhabitant' in hundred. infrascript.

{Johēs Denn,
&
Ricūs Fenn.

W. S. Aī Vic'.

Infranominat H. B. & C. D. and if there be more defendants then two, then you must name but one, & cæteri def. infra nominat nihil habent in balliva mea per qd' sum̄ possint, if it be debt; but if it be in trespasse, then it must be per qd attach' possint, or potest, if it be but against one defendant.

R. O. Aī Vic'

Return' de capias al' & plur'.

INfranominat A. B. non est invent̄ in Balliva mea: & si sunt tres, tunc sic; & cæteri defendent̄ infranominat̄ non sunt invent̄ in balliva mea.

R. O. Aī Vic'.

These Writs are seldome or never used to be returned by Sheriffs, for Attornies do use to return themselves, with the leave and sufferance or consent of Sheriffs: otherwise they cannot justifie the setting of the Sheriffs name to their Writs.

Return' de Exigent.

VIrtute istius brevis mihi directi ad comit̄ meū tent̄ apud castr̄ Winton̄ in comit̄

mit̄ S. infraſcript̄ die Lunæ, videlicet decimo die I. anno regni Domini regis infraſcript̄ xv. infranominat̄ I. C. & cæteri defend̄ infranominat̄ (if there be above two) primo exacti fuer̄ & non comparuer̄; ad com̄ meum S. ibidem ten̄t die Lunæ, videlicet viceſimo die A. anno prædict', prædictus I. C. & cæteri defend̄ infranominat̄ ſecundo exact' fuer̄ & non comparuer̄; ad comit̄ meum S. ibidem ten̄t die Lunæ, videlicet decim̄ die S anno prædict', præd̄ I. C. & cæteri defend̄ infranominat̄ tertio exact' fuer̄ & non comparuer̄; & ad com̄ meum S. ibidem ten̄t, videlicet duodecimo die O. anno prædict', præd̄ I. C. & cæteri defend̄ infranominat̄ quarto exact' fuer̄ & non comparuer̄; & ad com. meum S. ibidem ten̄t die Lunæ, videlicet tertio die N. anno prædict', prædict' I. C. & cæteri defend̄ infranominat̄ quinto exact' fuer̄ & non comparuer̄: ideo prædict' I. C. & cæteri defend̄ infranominat̄ p Judicium I. W. & W. R. gen̄ coron̄ dicti dn̄i regis com̄ p̄d̄ ſecund̄ legem & conſ. regni dn̄i noſtri regis Ang' utlagat̄ ſunt & quilibet eorum utlagat̄ eſt.

R. O. Ar̄ Vic'.

Retorna de brevi de exigend' cum ſuperſed'.

VIrtute, &c. Ad com̄ meum S. ibidem ten̄t die Lunæ, viz. 20. die A. ann̄ præd. præd̄ I. C. quarto exact' fuit, & protulit mihi br̄e dn̄i regis de ſuperſed̄, & eſt huic brevi annex', p qd̄ ad executionē iſtius brevis ulterius faciend̄ ſupſedi ōnino, prout mihi in eod̄ brevi præcipitur.

R. O. Ar̄ Vic'.

Retorn'

Retorn' de Exigent' ubi unus reddit ſe, & omnes al' non comparuer'.

VIrtute, &c. Ad Com̃ meum South. ibidem tenṫ die Lunæ, viz. x. die A. prædict' prædict' I. C. & cæteri defend infranominat̃ quinto exact' fuer̃, ad quẽ diem præd I.C. comparuit & ſe reddidit priſon' dom̃ regis caſtri ſui Winṫ cujus quidẽ corp' cor̃ Juſtic' infraſcripṫ ad diẽ & loc' infraconṫ parat̃ habeo, ꝓut interius mihi præcipitur, ſed ceteri def. infranom. non comparuer̃, ideo, &c. ut ſupra.

Aliter ubi unus ſuperſed', al' reddidit ſe, al' utl' eſt, al' waviat' eſt.

AD Com̃ meum S. tenṫ apud G. in Com̃ præd infranominat̃ A. B. C. D. E. F. G. H. ſexto die Januar̃ Anno infraſcripṫ infranóiat. A. B. C. D. E. F. G. H. primo exact' fuer̃ & non comparuer̃: & ad Com̃ meum ibm̃ tenṫ tertio die Februar̃ Anno præd ſecundo exact' fuer̃ & non comparuer̃: & ad Com̃ meum ibm̃ tenṫ tertio die Marcii Anno præd tertio exact' fuer̃ & non comparuer̃: & ad Com̃ meum ibm̃ tenṫ primo die April. Anno præd quarto exact' fuer̃ & non comparuer̃: & ad Com̃ meum ibm̃ tenṫ xxx. die April' præd quinto exact' fuer̃, & præd A. B. ꝓtulit mihi br̃e domini Regis de ſuperſed' huic brevi annex', ideo ulterius verſus eum procedere non potui; & præd C.D. ſeſe reddidit in priſon' domini Regis, cujus corpus adeo languid' ſub Cuſtodia mea exiſtit, quod ob metũ

metū mortis ipſius C. D. corpus ejus coram Juſtic' infraſcript̄ ad diem & locum infracontent̄ habere non poſſum; & præd̄ E. F. & G. H. non comparuer̄; ideo per Judiciū Coronator̄ domini Regis Com̄ præd̄ præd̄ G. H. utlagat̄ eſt & præd̄ E. F. eſt waviat̄

W. S. Ar̄ Vic'.

Languid' in priſona ſuper reddidit ſe.

Ad com̄ meum, &c. præd̄ I. B. comparuit, & ſe reddidit priſon' domini regis caſtri ſui Winton' infra com̄ S. præd̄ & in eadem priſona modo remanet, languidus variis infirmitatibus detent̄, ita quod propter corporis ſui debilitat̄ & mortis periculum carriari non poteſt, & ea de cauſa corpus præd̄ I. B. coram Juſtic' infraſcript̄ ad diem & loc' infracont̄ ad præſens habere non poſſum juxta form. hujus brevis.

Retorn' de Exigent' ubi unus redd. ſe, al' profert ſuperſed. tertius mort. & quartus non comparuit.

Virtute, &c. ad Comitat̄ meum S. ibm̄ tent̄ die Lunæ, viz. x. die A. anno præd̄ I. H. R. S. A. C. & D. P. quinto exact' fuer̄, & præd̄ R. S. ſe reddidit priſon' Dñi regis caſtri ſui Winton' in com̄ præd̄, cujus corpus coram Juſtic' infraſc' ad diem & locū infracontent̄ parat̄ habeo ad faciend̄ id quod br̄e præd̄ in ſe exigit & requirit: & præd̄ D. P. protulit mihi breve domini regis de ſuperſed̄ huic brevi annex. ideo quoad eum ulterius procedere non potui: & præd̄ I. H. mortuus

mortuus est, & prædꝯ A.C. non cõparuit: ideo per Judic' I.W. & W. R. coron' Domꝰ regis comꝰ prædꝯ prædꝯ I. H. utlagatꝰ & prædꝯ A.C. waiviat' est.

R. O. Ar. Vic'.

Retorna de allocat'.

Allocatꝰ illi quatuor comꝰ ad quos infranominatꝰ T. C. exact' fuit & non comparuit. Et ulterius virtute istius brevis ad comꝰ meum tentꝰ apud castr. Wintꝰ in comꝰ S. infrascr. die Lunæ viz. viii. die N. anno regni domꝰ regis infrascrꝰ Ang. &c. xv. prædict. T. quinto exact' fuit & non comparuit; ideo per judicium, &c. ut supra utlagatꝰ est.

Aliter sic.

Allocatꝰ quatuor Comꝰ ad quos infranominat. T. C. quarto exact' fuit & non comparuit, modo ad Comꝰ meum tentꝰ apud G. in Comꝰ S. viii. die N. anno infrascriptꝯ prædꝯ T. C. quinto exact' fuit & non comparuit: ideo per Judicium Coronatorꝰ domini Regis Comꝰ prædꝯ utlagatus est.

W. S. Arꝰ Vic'.

Retorna de Exigent. inter duos Vic'.

Virtute istius brevis mihi directi ad comitꝰ meum S. tentꝰ apud castrum Winton die Lunæ, viz. x. die A. anno regni domꝰ regis Ang. &c. infrasc. xv. infranominatꝰ R. K. primo exact' fuit & non comparuit.

R. O. Arꝰ Vic'.

Istud

Iſtud breve prout indorſatur mihi deliberat̃ fuit per R. O. ar̃ Vic' com̃ infraſc' prox. prædeceſ. meum in ejus exit̃ ab officio, & ad comit̃ meum South. tent̃ apud caſtrum Winton̄ prædict' in com̃ præd̃ die Lunæ, viz. x. die D. anno præd̃ præd̃ R. K. ſecund̃ exact' fuit & non comparuit, &c. ut ſupra.

Et ſi deficiunt coron' ad com̃ ad reddend̃ judic' tunc vic' retorn' brevia ſua ſic, viz. quod ob defect' I. W. & W. R. coron' domini Regis comit̃ præd̃ ulterius procedere non potui: **and then upon this return the Cozoners will be fined foz every Writ, unleſſe they can make a good excuſe.**

R. O. Ar̃ Vic'.

Retorna brevis de proclam.

Virtute iſtius br̃is mihi direct' ad Comit̃ meum South. tent̃ apud Caſtrum Winт̃ in Com̃ South. infraſcr̃ xxi. die Martii anno xi. infraſcr̃ ꝓclam̃ feci, & ad maxime uſuale oſtium eccleſiæ de B. infraſc' ſuper diem dominicum, ſcil. decimum di℮ April. an' regn' domini regis infraſcr̃ Angliæ, &c. duod', immediate poſt divinum ſervic', nulla prædicat' eadem Eccleſ. ad tunc ibidem exiſten', uno menſe ad minus antequam infranominat. W. quinto exact' fuit, proclam̃ feci, & ad general' Seſſion' pacis tent̃ apud Caſtrum Winton. prædict' in comitatu prædict' iii. die Maii, anno xii. ſupradict. in partibus de B. prædict' al' proclam̃ feci, quod infranomin' A. B. ſe reddat mihi ꝓut interius mihi præcipitur.

Ric' M. Mil' Vic'.

Alit'

Alit'.

Virtute iſtius brevis mihi directi tres ſeperales ꝓclamationes feci ꝓut iſtud breve in ſe exigit & requirit.

W. S. Aꝝ Vic'.

Alit' brevit'.

Virtute iſtius brevis mihi directi tribus ſeperalibus diebus ad tria ſepal' loca inframenc̃onaꝝ publice proclam̃ feci prout interius mihi præcipitur.

W. S. Aꝝ Vic'.

Retorna brevis de cap' utlag' inter duos Vic'.

Ante advenꝯ iſtius brevis I. M. aꝝ nup Vic' Com̃ S. cepit infranomin' T. D. & in priſona domini Regis infraſc' Caſtri ſui Winton' in com̃ S. præd̃ penes ſe detinuit virtute cujuſdam brevis dicti domini Regis de capias utlagaꝝ dicto nuper vic' direct. quẽ quidem T. D. dict' nuper vic' una cum dicto brevi mihi I. D. mil' modo vic' Com̃ S. prædict' in ejus exitu ab officio ſuo deliberavit, cujus quidem corpus cum brevi prædict' ego præfaꝝ nunc vic' corã Juſt. infraſc' ad diẽ & locũ infraconꝯ paraꝝ habeo ad faciend̃ & recipiend̃ qd' dict. brẽ in ſe exigit & requirit.

Quære whether it ſhould not have been a *languidus in priſona.*

R. O. Aꝝ Vic'.

Alit'

Alit' ſic.

Virtute iſtius br̄ mihi directi cepi corpus infranōinat. T. D. cujus corpus in priſona dn̄i Regis apud G. ſub Cuſtodia mea ea occac̄one detent̄ fuit quouſq; p̄ me I. M. Ar̄ nup̄ Vic' com̄ S. cū hoc br̄i deliberat̄ fuit in Cuſtod̄ W. S. Ar̄. modo Vic' Com̄ S. præd̄ in exitu ab officio meo.

I. M. Ar̄ nup̄ Vic'.

Aliter.

Iſtud br̄e ꝓut indorſat̄ mihi deliberat̄ fuit una cum corpore prædict' T. D. p̄ I. M. Ar̄ nup̄ Vic' Com̄ mei S. in ejus exit' ab officio ſuo: cujus corpus adeo languid̄ ſub cuſtod̄ mea exiſtit quod ob metū mortis ipſius T. D. corpus ejus coram Juſtic' infraſcript̄ ad di̇ē & locū infracontent̄ habere non poſſum ꝓut interius præcipit̄.

W. S. Ar̄ Vic'.

Retorn' brevis original' in partitione.

Pleg. de proſ. { Johannes Den, & Richardus Fen.

Sum̄ infranominat̄ R. B. & E. uxor̄ ejus, { W. H. I. F.

R. O. Ar̄ Vic'.

Retorn'

Retorn' brevis original' in conventione.

Pleg. de prof. { I. Doo, & R. Roo.

Sum̄ infranom. { I. P. Den. Fen.

I. O. Aꝝ Vic'.

Retorn' de ſum' in Dote.

Pleg. de prof. { I. Doo, & R. Roo.

Sum. infranom̄ { I. H. I. W. W. D.

Et ad oſtium Eccleſiæ parochialis de P. ubi infranōinat̄ A.B. inhabitat, ſuper diem dominicū, ſcilicet quarto die Julii anno infraſcript', immediate poſt divinum ſervicium, null. prædicatione ad tunc ibim̄ exiſten', publice proclam̄ feci ſecund̄ form̄ ſtatuti, prout iſtud br̄e in ſe exigit & requirit.

R. O. Aꝝ Vic'.

Aliter in Dote.

Pleg. ut ſupra.
Sum̄ ut ſupra.

Et ad maxime uſuale oſtiū Eccleſiæ Parochialis de P.

deP. ubi infranõinat. A. B. modo inhabitat, ſup diẽ dominicũ, ſcilt̃ quarto die Julii anno infraſcript̃, immediate poſt divinum ſervic' & prædicacõnẽ ibm̃ finit. publice ꝑclam. feci ſecundũ formã Statuti in hujuſmodi caſu edit' & ꝓviſi, ꝓut iſtud br̃e in ſe exigit & requirit.

W. S. Ar̃ Vic'

Retorn' de ſum' in vaſto.

Pleg. de proſ. { Johẽs Doo, & Rich' Roo.

Sum̃ infranom̃ { L. P. Willielm̃ Fen, Rich' Den.

Et ulterius ego R. O. Ar̃ vic' com̃ infraſcript̃ Juſt. domini regis infraſcript̃ certifico, quod poſt ſum̃ prad̃, ſcil. x. die A. ann' infraſcript̃ exiſten' die dominico immediate poſt divinũ ſervic' in Eccleſ. parochiali de B. infraſc. nulla prædicat' adtunc ibm̃ exiſten', apud maxime uſuale oſtiũ Eccleſ. parochialis illius, infra quã quidem parochiam tenẽt infraſcr̃ jacent & exiſtunt ꝓclam̃ feci ſum̃ prad̃ ſecund̃ formam ſtat̃ in hujuſmodi caſu edit. & proviſ.

R. O. Ar̃ Vic'.

Retorn' de Pone.

Pleg. de proſ. { Johan. Doo. Richard Roo.

Infranominat̃ A. B. { Joh. Den.
Attach. eſt per pleg' viz. { Rich. Fen.

Retorne de petit Cape in Dower.

Virtute, &c. tali die & anno cepi in manus domini regis tertiam partem tenementor̄ infraſpec' cum pertin' prout inter' mihi præcipit̄.

R. O. Aꝝ Vic'.

Return' de Cape in man' per viſum in Dote.

Virtute, &c. xi. die Aug. anno infraſcript̄ cepi in man' dom̄ Regis p̄ viſum H. R. & T. R. probor̄ & legaliū hominū de Com̄ meo tertiam partem ten̄tor̄ infraſcript' ꝓut interius præcipit̄.

Sum̄ infranōiat' { I. G. J. Doo, R. Roo.

W. S. Aꝝ Vic'.

Retorn' Brevis de viſu in Dower.

Juſtic' infraſcript' certifico, quod virtute iſtius brevis mihi direct' hab' feci infranominat' A. B. viſum de tertia parte tenementorum infraſpec' in præſent' N. C. R. D. W. B. & C. D. quatuor Milit' ex illis qui Viſ. ill' interfuerunt. Et ulterius Juſtic. p̄dictis certifico, qd' dixi quatuor Milit' præd̄ qd' ſint cor̄ Juſtic' infraſcript' ad di㊝ & locum infracontent' ad teſtificand̄ viſum illum, prout per breve præd̄ mihi præcept'.

R. O. Aꝝ Vic'.

Retorn'

Retorn' de ſum' de Aſſiſ.

Pleg. de proſ. { I. Dco, & R. Roo.

Infranominat' W. L. nihil habet in ballíva mea per quod Attach. poteſt, nec eſt inventus in eadem.

Alit' ubi eſt Attach.

Infranominat' W. L. Attach. eſt per unam vaccam pretii xxx. s.

If the party appear not, his Cow is forfeit, and the Sheriff ſhall be anſwerable for the value: and therefore he had need either to keep the goods attached, or elſe to have ſecurity to be ſaved harmleſſe therein.

Reſid' executionis iſtius br̃is patet in quodã Pannello huic br̃i annex'.

R. O. Ar̃ Vic'.

Nomin' recogn' Aſſiſæ novæ diſſeiſin' int' M. C. qu. & T. C. tenent', A. B. C. D. &c.

Sum̃ recogn' præd' & eorum cujuſlibet. { I. H. R. S.

Retorn' ſum' Mil' Parliamenti.

Virtute iſtius brevis mihi direct' ſum̃ feci A. B. Milit' unũ Mil' de com̃ meo gladio cinct. p B. T. & C. R. qd̃ ſit cor̃ Juſtic' infraſc' ad diē & locũ infracõtent' ,put iſtud br̃e in ſe exigit & requirit.

F. P. Mil' Vic'.

Retorn' de Sum' Parliamenti.

Executio iſtius brevis patet in quibuſdam Indenturis huic brevi annex'.

Sum̄ infranom̄ { Johannes Doo. / A.B. { Richardus Roo.

Exit̄ ——— xx. s.

F. P. Mil' Vic'.

Retorn' de ſum' in Attaint.

Pleg. de proſ. { Johan. Den, & Richard̄ Fen.

Sum̄ infranom̄ { I. N. / Johan. Den. / Richard̄ Fen.

Reſid̄ executionis iſtius brevis patet in quodam pannello huic brevi annex'.

R. O. Ar̄ Vic'.

Le pannel. Nomina vigint̄ & quatuor milit̄.

Richardus M. de N. Ar̄.

T. B. de P. Ar̄. &c.

Sum̄ Jur̄ prædict' H. H.

S. S.

Le petit Jur. Nomina Jur̄ primæ inquiſitionis in brevi huic pannello annex' ſpec'.

E. M. gen'.

H. E. gen' &c.

Pleg' prædict' Jur̄ primæ Inquiſitionis, { Thom̄ Pit. / Willelm̄ Fit.

Retorn'

Retorn' de reſummon.

Executio iſtius brevis patet in quadam ſcedula huic brevi annex'.

R. O. Ar̄ Vic'.

Nomina Jur̄ Jur̄ xxiiii Milit̄ unde in brevi huic ſcedul' annex' fit menc̄o.

R. M. de N. Ar̄.

T. B. de M. Ar̄. &c.

Quilibet Jur̄ Jur̄ xxiiii Milit' prædict'. ſeperatim reſum̄ eſt per H. R. & M. N. bonos ſum̄.

R. O. Ar̄ Vic'.

Return' de Accedas ad Cur'.

Virtute iſtius br̄ mihi direct' in forma infra-ſcript' & in plena Cur̄ ill' recordari feci loquelam infraſcript'. Et recordum illud prout patet in ſcedula hic huic br̄i annex' habeo cor̄ Juſtic' infraſcript' ad diem & locum infracontent' ſub ſigillo meo & ſigillis I. B. &c. quatuor proborum & legalium hominum de balliva mea ex illis qui record̄ ill' interfuer̄. Et partibus infraſcript̄ diem illum præfixi, quod tunc ſint ibi in loquel' ill' ꝓut juſtū fuer̄ ꝓſecutur̄ ꝓut interius mihi præcipit̄.

R. O. Ar̄ Vic'.

Al. Retorn' de Accedas.

Virtute iſtius brevis mihi direct' in forma in-fra-

fraſcript' ad Cur̄ inframencōnat' Acceſſi, & in plena Curia illa recordari feci loquelam infraſpecificat', & recordum illud (put patet in ſchedula huic brevi annex',) hab' coram Juſtic' infraſcript' ad diem & locum infracontent' ſub ſigillo meo & ſigill' A. B. C. D. E. F. & G. H. quatuor proborum & legalium homiñ de balliva mea ex illis qui record̄ ill' interfuer̄; & partibus infraſcript' diem illum præfixi, quod tunc ſint ibi in loquela illa put juſtū fuerit proſecutur. prout interius mihi præcipit'.

W. S. Ar̄ Vic'.

Schedula.

B. hundr. ſſ. Ad Cur̄ Baron' I. T. Ar̄ ibiñ tent' quarto die Martii anno Regni dñi noſtri Caroli Secundi Regis nunc Angliæ, &c. viceſimo primo.

Loquela. ſſ. A. B. queritur verſus S. D. de placito Capc̄onis & injuſtæ detenc̄onis Averiorum ſuorum.

W. S. Ar̄ Vic'.

The Stile of the Court Alton̄.

Richard' T. Mil. ibidem tent' xxx. die Marcii, an', &c. recitand̄ le ſtile del roy.

I. S. queritur verſus W. W. d̄ pl' caption' & injuſtæ detention' averiorum ſuorum.

The

The Bailiffs return of his Warrant to the Sheriff.

Virtute iſtius præcept' mihi direct' accept' mecum R. S. &c. quatuor diſcret' milit' Hund' de A. prædict' acceſſi ad Cur' R. T. milit' & recordar' feci loquelam quæ eſt in eadem Cur' inter' I. S. quer' & W. W. def. & record' illud parat' habeo ſub ſigillo meo & ſigillis præd' quatuor Milit' ejuſdem cur' ex illis qui record' ill' interfuer'; & partibus prædict' eundem diem præfixi prout mihi præcept' fuit. In cujus rei teſtimon' tam ego R. F. ballivus hundred' præd' quam præd' R. S. &c. 4 legal' milit' hund' præd' præſent' ſigilla noſtra appoſuimus.

R. O. Ar' Vic'.

Retorn' de Recordare.

Virtute iſtius brevis mihi direct' in pleno com' meo tent' apud Caſtrum Winton' in com' Southampt' infraſcr' tali die & anno recordari feci loquel' unde interius fit mentio, quæ quidem loquela patet in quadam ſcedula huic bri annex'; & recordum illud hab' coram Juſtic' infraſcript' ad diem & locum infracontent' ſub ſigillo meo & ſigillis W. H. E. R. &c. quatuor proborum & legalium Milit' ejuſdem com' ex illis qui record' ill' interfuer'; & partibus infraſcript' diem ill' præfixi quod ſint ibidem in loquela ill' put juſtum fuerit proſecutur' prout interius mihi præcipitur.

Reſid' exec' iſtius bris patet in quadam ſcedula huic brevi annex'.

Schedula.

Suff. ſſ. Cur̄ Com̄ ibidem tenť die Anno 26. Dom̄ Reg. nunc Car.

R. S. queritur verſus T. E. de placito captionˀ & injuſtæ detentionis averiorˀ ſuorum.

R. O. Ar̄ Vicˀ.

Retornˀ Levari facˀ in Curia Cancellariæ verſus execˀ de bonis teſtatoris.

Virtute iſtius br̄is mihi directi de bonis & catallis quæ fuer̄ infranōiat. F. D. tempore mortis ſuæ in manibus infranominatˀ F. executricis præfatˀ F. D. adminiſtrand. levari feci C. li. & x. s. quos quidem denar̄ coram domino Rege ad die infracontentˀ in Cancellaria ſua ubicunque, &c. infranōiat. N. H. deliberandˀ paratˀ habeo prout interius mihi præcipitˀ. Et ulterius domino Regi ibm̄ certifico, qđ diverſa alia bona & catalla quæ fuer̄ ejuſdem F. D. tempore mortis ſuæ in manibus præfatˀ Francæ adminiſtrandˀ ad valenciam C. li. & 80. s. in manus meas ſeiri feci, quæ quidem bona & catalla in manibus meis invenditˀ p defect. emptorum adhuc remanent; ideo prædictˀ C. li. & 80. s. coram domino Rege ad diem infracontentˀ ad præſens habere non poſſum prout interius mihi præcipitˀ. Et præterea domino Regi in Cancˀ prædictˀ certifico, quod nulla ſunt alia neque plura bona ſeu catalla quæ fuer̄ prædictˀ F. D. tempore mortis ſuæ in manibus ipſius Francæ adminiſtrand. in Balliva mea unde reſid debiti inframenc̄onatˀ vel aliquam inde parcellˀ levari fac̄ poſſum.

W. S. Ar̄ Vicˀ.

Retornˀ

Retorn' de Fieri feci ſur fieri fac'.

Virtute iſtius brevis mihi direct' fieri feci de bonis & catallis infranominati I. H. quandam Dimiſſion' & conceſſionē eidē I. H. per quendam T. G. Generē per Indenturē ſuā fact' pro termino xxxi. annorum incipiend à primo die Julii, An' &c. infraſcript' ſecundo, put per Indenturam illā geren' dat' eiſdem die & anno plenius liquet & apparet, de & in uno meſuagio ſive firma cum pertinentiis ſituat', jacent' & exiſtent. in L. in parochia de F. infra ballivam meam, vocat' ſive cognit' per nomen de B. ſimul cum omnibus & ſingulis terr', pratis, paſcuis, boſcis, ſubboſcis, aquis & paſturis, cum omnibus ſuis pertinentiis, ſituat', jacent' & exiſten' infra vill' paroch. & campos de F. prædict' & O. ſcilicet in ball' mea. Et prædict' Dimiſſionem, ac omne & totum jus, ſtatum, titulum, terminum annorum, poſſeſſionem & demand' quæ prædict' I. H. modo habet de & in prædict' præmiſſis virtute ſive vigore ejuſdem Dimiſſionis & conceſſionis aut aliter, vendition' expoſui & vendidi cuidam P. H. generoſ. pro ſumma lxxvi. libr' xiij. s. iiij. d. Ac etiam fieri feci de aliis bonis & catallis prædict' I. H. ad valenc. lxv. li. vi. s. viij. d. Quas quidem denar' ſummas ſic in form' præd' per me levat' in toto ſe attingunt ad ſum' Cxxxij. li. xij. d. Et eaſdem ſummas coram domin' rege ad diem & locum infracont' parat' habeo ad reddend' infranom' E. P. & I. uxor' ejus in pte ſatisfact' dāpnorum infraſcript', put p brē iſtud interius mihi præcipit'. Et quod præd' I. H. nulla alia ſive plura bona aut catall'

catall. in balliva mea habet, unde resid' præd' deb. 165. li. 6. s. 2. d. ad præsens fieri facere possum secund' exigent' hujus brevis.

R. O. Ar' Vic'.

Aliter sur Nihil habet.

Infranom' R. B. mil' null' habet bona seu catall' terr' aut tenement' in balliva mea unde denar' infraspec' nec aliquam inde pcell' fieri facere possum prout interi⁹ mihi præcipit'.

R. O. Ar' Vic'.

Aliter sur Fieri facias execut' & vendition' expos'.

Virtute istius brevis mihi directi fieri feci de bonis & catall' terr' & tenement' infranominat' R. B. ad valenc' CC. li. & ill' de die in die vendition' exposui, & inde vendidi ad valenc' C. li. quas quidem centum libr' ad diem & locum infracontent' parat' habeo ad reddend' infranominat' I. W. prout interius mihi præcipit'. Et resid' bonor' & catall' præd' adhuc penes me remanent invendit' ob defect' emptorum.

R. O. Ar' Vic'.

Nota, that notwithstanding the goods remain in the Sheriffs hands for want of buiers, yet he stands charged with the whole value he returned the goods at without any abatement.

Retorn'

Retorn' Fi. fe. dampn' de bonis propr.

Juſtic' infraſcr' certifico, quod virtute iſtius brevis mihi directi fieri feci de bonis & catallis infranõiat' I. C. ꝓpriis x. li. ꝓ dampn' inframencõnat', & ulterius Juſtic' prædict' certifico, quod prædict. I. C. nulla habet bon. ſeu catall' quæ fuer' infranõiat' A. B. tempore mortis ſuæ in manibus ſuis adminiſtrand' in Balliva mea unde debitũ infraſcript' vel aliqu' inde denar' fieri facere poſſum.

W. S. Ar' Vic'.

Retorn' Fi' fa' cum mandav. Ballivo Libertat'.

Pro executione iſtius br̃s mihi direct' fiend' mandavi Ballivo Libertat' hundred' de B. in Com̃ meo, qui plen' habet execucõnem omniũ breviũ & Warrant' executab' infra eandem libertatem & retorn' eorundem; infra quam quidem liber' executio brevis totaliter reſtat fiend'. Qui quidem Ballivus ſcilicet R. C. Ar' mihi reſpond' qd' fieri fecit de bonis & catall' infranõiat. W. R. ad valenc' debit' & dampn' infraſcr'; & quod bona & catall' ill' de die in diem vendicõn expoſuit, & inde vendidit ad valenc' lx. li. & quod denar' ill' coram dño Rege ad diem & locum infracontent' ad reddend' infranõiat' N. C. in parte ſatisfaction' prædict' N. de debit' & dampnis prædictis parat' habet, prout interius præcipit'; Ac quod reſid' bon. & catall' præd' adhuc remañ in manibus ſuis pro defect' emptorum invendit'.

W. S. Ar' Vic'

Retorn'

Retorn' de Vaſtavit ſur Fi' fa'.

Infranõiat' Thomas & Alicia nulla habent bona ſeu catalla in Balliva mea de bonis & catallis ſuis propriis unde dampna x. li. infraſcript' vel aliquem inde denar' ad præſens fieri fac' poſſum. Et ulterius Juſtic' infraſcript' certifico, quod prædict' Thomas & Alicia executrix teſtī infranõiat' W. C. bona & catall' quæ fuer' ejuſdem W. C. tempore mortis ſuæ penitus devaſtaver', ſic quod debitum xxviij. li. inframenc̃onat' nec aliquam inde p̃cell' de bonis & catallis quæ fuer' prædict' W. tempore mortis ſuæ fieri fac' non poſſum.

W. S. Ar' Vic'.

Retorn' de Vendicioni exponas.

Virtute iſtius brevis mihi direct' diverſ. p̃cell' bonorum & catallorū inframenc̃onat' ad valenc' vi. li. vendidi; quos quidem denar' coram domino Rege ad diem & locum infracontent' ad reddend' infranõiat' E. P. parat' habeo, prout interius præcipit'; reſid' bonorum & catallorum prædict' in manibus meis penes me adhuc pro defectu emptorum invendit. remanent. Et ulterius domino Regi certifico, quod infranominat' T. P. nulla habet alia neque plura bona ſeu catalla in balliva mea unde reſid' debit. & dampnorum infraſpecificat' vel aliquem denar' inde fieri fac' poſſum.

W. S. Ar' Vic'.

Retorn'

Retorn' ſpecial' Fi' fa' cum ſci. feci & Inquiſition'.

Infranõiat' I. M. nulla habet bona ſeu catalla in Balliva mea quæ fuer' infranõiat' R. M. teſtatõr tempore mortis ſuæ unde debitũ infraſcript', vel aliquem inde denar' fieri fac' poſſum, neque habet aliqua bona ſeu catalla de bonis & catallis ſuis propr' in balliva mea unde dampna infraſcr', vel aliquam inde p̃cell' ad præſent' fieri fac' poſſum. Ac ulterius Juſtic' infraſcr̃ certifico, quod p̃ H. C. & G. W. p̃bos & legales homines de Ball. mea ſcir' feci præfat' Johañ quod ſit coram Juſtic. prædict' ad diem & locum infracontent̃, ad oſtendend. ſi quid, &c. prout interius mihi præcipit'. Reſid' executõnis iſtius brevis patet in quadam inquiſitõne huic brevi annex'.

W. S. Ar' Vic'.

Inquiſitio, &c. Qui dicunt ſuper ſacramentum ſuum, quod I. M. vid. exec' teſtī R. M. teſtatoris in brevi prædict. nominat' diverſa bona & catall. quæ fuer' præd' R. M. tempore mortis ſuæ in manibus prædict. I. M. adminiſtrand', ad valenc' debiti & dampnorum in eodem brevi mentõnat', vendidiſſet, elongaſſet, devaſtaſſet, ac in uſum ſuum propriũ convertiſſet. In cujus, &c.

Scir' fac' verſ. terr' tenen.

Virtute iſtius brevis mihi direct' p̃ E. C. & L. F. probos & legales homines de Balliva mea ſcir' fec' I. H. terr' tenen' unius Meſuagii vocat' le

Null. bon. retorn. quia aliqui eorum non fuer. tenen. in feod.

le Brickhouſe viij. acr̃ terr̃ & ix. acr̃ paſt. cum ꝑtiñ in E. in Com̃ meo, ac Johī P. al' terr̃ tenenť unius Meſuagii vocať le Greenhouſe xl. acr̃ terr̃ & xxx. acr̃ paſt. cum pertiñ in E. præd', ac H. L. terr̃tenenť un' al' Meſuagii vi. acr̃ terr̃ vi. acr̃ prati & x. acr̃ paſt. cum pertiñ in E. præd', quæ fuer̃ terr̃ & ten' infranominať F. C. unde idem F. Cole fuit ſeiť in dominico ſuo ut de feod̃ tempore reddiťonis Judicii inframenťonať & poſtea; ita quod ſint coram domino Rege ad diem & locum infracontenť ad oſtendend̃ ſi quid, &c. ꝓut interius mihi præcipiť. Et ulterius domino Regi certifico, quod non ſunt aliqui alii terr̃tenenť nec aliquis alius terr̃tenens eſt aliquarum aliarum terrarum ſive teñtorum quæ fuer̃ prædict' F. C. prædicto tempore reddiťonis Judicii præd̃ ſeu poſtea in Com̃ meo cui vel quibus ſcir̃ fac' poſſum.

W. S. Ar̃ Vic'.

Scire fac' verſus hered' & terr'tenent'.

Virtute iſtius brevis mihi direct' per W. D. & R. R. ꝓbos & legales homines de Balliva mea ſcire feci E. L. gen̄ heredi & tenen' Capital' Meſuagii cum pertiñ vocať Troſton Hall 315 acr̃ terr̃ 225 acr̃ prati & paſtur̃ cum pertin' in T. ac unius Meſuagii cum ꝑtiñ in occupaťone I. W. un. al' Meſuagii cum ꝑtiñ in occupaťone I. M. ſive aſſign' ſuorum, un. al' Meſuagii cum ꝑtin' in occupaťone L. L. ſive aſſign' ſuorum, ac un. al' Meſuagii cum pertin' in occupaťone prædict' E. L. ſive aſſign' ſuorum, quæ fuer̃ terr̃ & tenementa infranominať I. L. unde idem

idem I. L. fuit ſeĩt in dominico ſuo ut de feod̃ tempore reddic̃onis Judicii inframenc̃onat̃ & poſtea; ita quod ſint coram domino Rege ad die. & locum infracontent̃ ad oſtendend̃ ſi quid, &c. ꝓut interius mihi præcipit̃. Et ulterius domino Regi certifico, qd' non aliqui alii terr̃tenent̃ ſunt nec aliquis al' terr̃tenens eſt aliquarum aliarum terrarum ſive ten̄torum quæ fuer̃ prædict' I. L. prædicto tempore reddic̃onis Judicii prædict' ſeu poſtea in Com̃ meo cui vel quibus ſcir̃ facere poſſum.

W. S. Ar̃ Vic'.

Scir' fac' ubi nulli ſunt tenent', &c.

Juſtic' domini Regis infraſcript̃ certifico, quod nulli ſunt tenentes nec aliquis tenens eſt aliquarum terrarum ſive ten̄torum quæ fuer̃ prædict' I. S. primo die Octobris Anno Domini 1659. infraſcript̃ vel unquam poſtea, nec aliqui ſunt dñi vel aliquis eſt dominus de quibus vel de quo hujuſmodi terr̃ ſive tenementa mediate vel immediate tenent̃ in Balliva mea quibus vel cui ſcir̃ fac' poſſum juxta exigent̃ iſtius brevis.

W. S. Ar̃ Vic'.

Retorn' de Tarde.

Iſtud br̃e adeo tarde mihi deliberat̃ fuit, ita quod propter temporis brevitat̃ exequi non potui ꝓut iſtud breve in ſe exigit & requirit.

R. O. Ar̃ Vic'.

Retorn'

Retorne ſpeciall ſur Habeas corpus.

Schedula.

Ego R. O. Aꝛ̄ Vic' com̄ S. domino Regi ad diem & locum in brevi huic ſchedul' annex' contenꝫ certifico, quod ante advent. ejuſd̄ brevis A. O. in dict' brevi nomiñ capt̄ fuit infra com̄ prædꝫ p W. V. aꝛ̄ nupꝑ vic' com̄ prædꝫ & in priſ. dict' dom̄ regis Caſtri ſui Winton̄ in comitatu prædict' ſalv. cuſtod̄ ejuſdem nupꝑ vicec' detenꝫ virtute cujuſdam brevis dicti dom̄ regis de capiend̄ verſus dict' A. gereñ teſt̄ apud Weſtm' nono die Oct. annñ regni, &c. & retornñ coram Juſt. dicti domini regis apud Weſtm' die ſancti Martini in quind. dies tunc prox. ſequeñ ad ſatisfaciend̄ T. D. generꝫ tam de quodam deb. xl. li. quam de xxx. s. pro dampnis unde idem A. coram præf. Juſtic' apud Weſtm' convictus fuit: cujus quidem A. corpus ſic capt̄ & in priſona prædꝫ ſub cuſtod̄ dicti nuper vic' ea occaſione exiſteñ detenꝫ ego præf. R. O. nunc vic' com' prædꝫ recepi de prædꝫ nuper vic' in ejus exitu ab officio ſuo,& corpus ejus per me de præfat̄ nuper vic' ſic recept̄ in priſoñ prædꝫ ſalvo cuſtod̄ feci, quouſque poſtea, ſcil. decim' die Decemb. annñ, &c. recepi quoddam brē dict. domini regis de ſupſed̄ mihi direct', cujus quidem brevis tenor ſequit̄ in hæc verba; Jac'. &c. Virtute cujus quidem brevis de ſupſed̄, pro eo quod non fuit aliqua cauſa detentionñ prædꝫ A. dict' A. ad largū ire p̄miſi dict' breve de capiend̄ ad ſatisfaciend̄ in aliquo non obſtante, prout per dict' breve de ſupſed̄ mihi inde præcipitur: ideo corpus p̄d̄ A.

coram

coram præfat̃ dom̃ rege ad diem & locum in dict. brevi huic ſcedul' annex. content̃ parat̃ hẽre non poſſum, prout idem breve in ſe exigit & requirit.

R. O. Ar̃ Vic'.

Alias.

Ante advent̃ iſtius brevis mihi direct. infranomiñ H. H. commiſſus fuit Gaolæ dom̃ regis Caſtri ſui Winton̄ in com̃ infraſcr̃ ſub caſtod̃ mea virtute cujuſdam warr̃ F. C. & I. W. duor̃ Juſt. dict' dom̃ regis ad pacem in com̃ præd̃ conſervand̃, necnon ad diverſ. feloñ, tranſgr̃ & alia malefact' in eodem com̃ ꝑpetr̃ audiend̃ & terminand̃, aſſign̄, gereñ dat̃ tertio die A. aũ infraſcr̃, pro quibuſd̃ tranſgr̃ & contempt̃ contr̃ formam ſtatuti pro punitione vagabund̃ & pro pauper. & impotent' edit̃. Et hæc eſt cauſa captionis & detentionis ipſius H. & non al' : corpus tamen præd̃ H. ad diem & locum infracontent̃ parat̃ habeo, prout interius mihi præcipit̃.

R. O. Ar̃ Vic.

Alias.

Ego R. O. Ar̃ Vic' com̃ S. Juſt. infraſcr̃ certifico, quod corpora R. T. & ceter. def. infranomiñ ꝑ me non capt̃ fuer̃, ſed ꝑ W. V. Ar̃ nuper vic' com̃ præd̃ prædeceſſor̃ meum, & mihi per ipſum minime deliberat̃ in exit̃ ab officio ſuo. Ideo corpora eorum coram Juſtic' infraſcript̃ ad diem & locum infracontent̃ habere non poſſum, ꝑut interius mihi præcipitur.

R. O. Ar̃ Vic'.

Aliter ſur languidus.

Juſtic' dom̃ regis certifico, quod infranominat̃ I. B. adeo languidus in priſona domini Regis Ceſtri ſui Winton̄ in com̃ South. variis infirmitat̃ detent̃ eſt, ita quod propter corporis ſui debilit̃ & mortis periculum ipſum tute removere non poſſum, ideo corpus ejus coram Juſtic' infraſc' ad diem & locum infracontent̃ ad præſens habere non poſſum juxta formam hujus brevis.

R. O. Ar̃ Vic'.

Domino Regi humillime certifico, quod ante advent̃ iſtius brevis corpus infranominat̃ R. T. fuit ſub ſalva cuſtod̃ mea in executione ad ſect̃ T. B. ꝑ C. li. virtute brevis domini Regis de capias ad ſatisfacien̄ retornabil' coram Juſtic' dñi Regis apud Weſtm̃ à die ſancti Michaelis in un̄ menſem, ideo corpus ejus ad diem & locum infracontent̃ habere non poſſum, ꝑut interius mihi præcipit̃.

W. S. Ar̃ Vic'.

Retorn' Mandavi Ballivo alit'.

Pro executione iſtius brevis mihi direct' fien̄ mandavi Ballivo libertatis ſancti Etheldred̄ in com̃ meo, qui plen̄ habet executionem omnium brev' & Warrant̃ executabil' infra ean̄ libertatem & retorn' eorund̄, infra quam quidem libertatem executio iſtius brevis totalit̃ reſtat fiēd̄. Qui quidem ballivus, ſcilicet T. G. Ar̃, mihi reſpond̄,

ſponđ, quod cepit corpus infranominat̄ I. B. cujus quidem corpus coram Juſtic' infraſcript̄ ad diem & locum infracontent̄ parat̄ habet, prout iſtud breve in ſe exigit & requirit.

W. S. Aŕ Vic'.

Alias.

Ego R. O. Aŕ Vic' comitat̄ S. domino Regi certifico, quod corpus infranomiñ R. T. ante adventum iſtius brevis fuit ſub ſalv. cuſtođ mea in executione ad ſect' T. B. ꝑ C. li. virtute br̄is domini Regis de capias ad ſatisfacien đ retorn' coram Juſtic' domini regis apud Weſtmon. à die ſancti Michaelis in unum menſem, ideo corpus ejus ad diem & locum infracontent̄ habere non poſſum, ꝑut interius mihi præcipitur.

R. O. Aŕ Vic'.

Rètorn' de Mandavi ballivo libertatis.

Virtute iſtius brevis mihi direct i mandavi ballivo libertatis Thomæ Epiſcopi Winton. ad capiend̄ & arreſtand̄ infranomin. I. S. in forma infraſcript̄, qui plenum habet retorn' omnium brevium & præceptorum & executionum eorundem infra libertatem prædict', ac quod nulla execuc' iſtius brevis ꝑ me fieri poteſt infra eandem libertatem. Qui quidem ballivus nullum mihi dedit reſponſum; ſi perſona ſit capt̄ tunc, Qui quidem ballivus mihi reſponđ, quod cepit corpus infranom̄ I. S. cujus quidem corpus ad diem & locum infracontent̄ parat. habet

ad fac' ea omnia quæ iſtud breve in ſe exigit & requirit.

R. O. Ar̃ Vic'.

Retorn' brevis de reſtitution'.

Virtute iſtius brevis mihi direct' tali die & anno, & c. infraſcript' tenement' infraſcript' cum pertin. reſeiſivi, & infranominat' T. & H. plenam p ſſeſſion. & ſeiſin. inde reſtitui, prout interius mihi præcipitur.

R. O. Ar̃ Vic'.

Retorn' de Habere fac' poſſeſſion' cum fieri fac'.

Virtute iſtius brevis mihi direct' viceſimo quarto die Maii anno infraſcript' habere feci infranominat' H. H. poſſeſſionē termini ſui infraſcript' de tenementis infraſcript' cum pertinen', ac etiam fieri feci de terris & catall' infranom̃ W. W. xx. s. pro dampnis infraſpec', & denarios illos habeo cor̃ Juſtic' infraſcr̃ ad diem & locum infracont̃ ad reddend̃ præf. H. H. prout interius mihi præcipitur.

R. O. Ar̃ Vic'.

Retorn' brevis de ſeiſin'.

Virtute iſtius brevis mihi direct' xxvi. die O. anno infraſcript' habere feci infranom̃ N. S. plenar̃ ſeiſin. de & in tenementis infraſpec. cum p̃tin. prout interius mihi præcipitur.

R. O. Ar̃ Vic'.

Retorn'

Retorn' brevis de ſeiſina in dote.

Execut̄ iſtius brevis patet in quadam Scedula huic brevi annex'.

Juſtic' domini regis certifico, qd̄ virtute brevis domini regis mihi directi & huic ſcedul' annex' decimo die A. anno, &c. habere feci P. B. vid̄ in brevi prædict. nominat̄ plenar̄ ſeiſin. de tertia parte manerii de B, cum pertinentiis in eodem brevi ſpecific' viz. de una aula & coquina, de duobus ſpaciis in tenura dict. I. cum liber̄ ingreſſu & regreſſu ad & ab eiſdem, necnon ſuperior̄ part̄ domus manſional' in tenura E. C. ab introitu verſus Auſtr', ac de uno clauſo ſeperali vocat̄ H. continen. per æſtimat̄ quinque acr̄, ac de quatuor acr̄ paſtur̄ jacen. in boreal. fine unius clauſi voc' B. & de una acr̄ paſtur̄ voc' C. in br̄i præd̄ ſpec. Tenend. præf. P. B. in ſeperalitate per metas & bundas, nomine totius dotis ipſius P. ipī contingen. de toto manerio in dicto brevi ſpec', prout per breve præd̄ mihi præcipitur.

R. O. Ar̄ Vic'.

Aliter de ſeiſin' in dote.

Virtute iſtius brevis mihi directi i. die Marcii anno infraſcript̄ habere feci infranōinat̄ E. M. plenar̄ ſeiſinam ſuam de tertia parte tenōrum inframenēonat̄ cum pertin. (videlicet de una pecia prati continen. per æſtimationem vii. acr̄ jacen. & exiſten. in W. infraſcript̄ inter Regiā viam ducent. à villa de F. in com̄ meo uſque Pontem

tem vocat̃ D.bridge ex parte boreal. & terr̃ vocat̃ S. ex parte Auſtral. cujus unum caput abutt̃ ſup̃ Communem viam vocat̃ H. verſus Occiden̄, ac etiam de pecia paſtur̃ aliquando vocat̃ le Hempland, continen' per aſtimationem un' acr̃ jacen̄ int̃ partem prati prædict' in W. prædict. ex parte boreal', & quoddam clauſum vocat̃ le Carte cloſe ex parte Auſtral', cujus unum caput abuttat ſup̃ p̃dict. clauſum vocat̃ S. verſus Occiden', Tenend̄ eidem E.M. in ſeperalitat̃ p̃ metas & bundas prædict', ꝓut interius mihi præcipit̃. Reſid̄ executionis iſtius brevis patet in quadam Inquiſic̃one huic brevi annex'.

Inquiſic̃o, &c. per ſacr̃m̃ I. D. &c. proborum & legalium hominum, &c. Qui dicunt ſuper ſacr̃m̃ ſuum, quod tercia pars ten̄torum in prædicto brevi men̄onat̃ valet per Annum in omnibus exit̃ ultra repriſ. x. li. In cujus, &c.

W.S. Aꝛ̃ Vic'.

Retorn' brevis de Coronator' eligend'.

Ad Com̃ meum S. ten̄t̃ apud G. tali die & anno infraſcript̃ in pleno com̃ meo de Aſſenſu ejuſd̄ com̃ in loco infranominat̃ F. M. (qui languid̄ & ſenio confract' eſt) prout interius fit men̄co eligi fec' coron' ſcilicet I. V. gen', qui ꝓut mos eſt ſacr̃m̃ præſtitit corporale, quod ipſe extunc ea fecerit & cōſervaverit quæ ad officium coronatoris ꝓtinent ad exercend̄ in Com̃ prædicto, prout interius mihi præcipit̃.

W. S. Aꝛ̃ Vic'.

Summons

Summons in Quare impedit.

Pleg. de proſ. { Johēs Doo, & Ricūs Roo.

Sum̄ infranominat̄ E. epiſc. Norwici & Jacobi F. { R. S. H. W.

Et ad maxime uſuale oſtium Eccleſiæ de W. infraſpecificat̄ ſup̄ diem dominicum, ſcilt̄ tali die & anno infraſcript̄, immediate poſt divinum ſervitium & prædicat̄, ibm̄ publice proclam̄ feci ſecundum formam Statuti, prout iſtud breve in ſe exigit & requirit. Quere whether ſuch proclamation be needfull.

W. S. Aī Vic'.

Retorn' de Venire fac'.

Executio iſtius brevis patet in quodam pannell' huic brevi annex'.

R. O. Aī Vic'

A. B. de E. gen. & ſic xxiij. al. Le pannel.

Quilibet Jur̄ præd̄ per ſe ſeper̄ attach. eſt per Pleg. { I. Doo. R. Roo.

R. O. Aī Vic'.

Retorna distr. Jur.

Executio istius brevis patet in quodam pannel. huic brevi annex'.

Le pannel. Nomina Jur̄ int̄. A. B. quer̄ { I. K. de L.
E. C. def. de placito transgr̄. { M. N. de O.
& sic ad numerum xxiiij.
Quilibet Jur̄ præd̄ { I. Doo.
Attach. est per pleg. { R. Roo.
Exit̄ eorum cujuslib. —— x. s.

R. O. Ar̄ Vic'.

Retorn' de Ca. ad sat'.

Virtute istius brevis mihi direct. cepi corpus infranominat̄ A. B. cujus quidem corpus coram Justic' infrascr̄ vel coram dom̄ reg. ad diem & locum infracont̄ parat̄ habeo ad satisfaciend̄ infranominat̄ C. D. de debit̄ & dampnis infraspec', prout interius mihi præcipitur.

R. O. Ar̄ Vic'.

Aliter sur Ca. sa'.

Virtute istius brevis mihi direct. cepi corpus infranominat̄ A. B. cujus quidem corpus coram Justic' infrascript̄ ad diem & locum infracontent̄ parat̄ habeo, prout interius mihi præcipit̄. Vel potius aliter, videlicet, cujus quidem corpus adeo languid̄ in prisona sub custod̄ mea existit, quod ob metū mortis ipsius A. B. corpus ejus coram Justic. infrascript̄ ad diem & locum infracontent̄ habere non possum, prout interius mihi præcipit̄.

W. S. Ar̄ Vic'.

Retorn'

Retorn' Diſtr. cum decem tales.

Juſtic' infraſcript certifico, quod iſtud breve adeo tard mihi deliberat fuit quod ob brevitatem temporis Juratores infraſcript debito modo diſtringere nō poſſum. Reſid executionis iſtius brevis patet in quodam pannello huic brevi annex'.

W. S. Ar Vic'.

Nomina Jur de novo appoſit ſecundum exigenc. brevis dom Regis huic pannel. annex' int partes in eodem brevi menconat.

A. B. de D. gen.
C. D. de F. gen.
ad numerum decem.

Quilibet Jur prædict. ſeperat p ſe Attach. eſt

p Pleg'. { Johēm Doo, & Ricm Roo.

W. S. Ar Vic'.

Retorn' de Elegit.

Executio iſtius brevis patet in quadam Inquiſ. huic brevi annex'.

Inquiſitio Indentat capt apud B. in Com pd x. die anno, &c. coram me R. O. Ar Vic. com præd virtut brevis dom regis mihi directi & huic Inquiſic. annex. per ſacrm T. B. &c. & ſic xii. plur ad minus, qui dicunt ſuper ſacrament ſuum,

ſuum, quod B. C. in brevi præd nominat tali die & an̄, &c. fuit ſeiſit in dominico ſuo ut de feodo de & in uno meſuagio voc', &c. cum pertinen. jacen. & exiſten. in civitat Winᵗ prædict. modo in occupatione A. G. vid clari annui valoris in omnibus exitibus ultra repriſ. xl. s. ac etiam de & in uno gardino cum pertin. voc', &c. in civitat & comit præd clari annui valoris in omnibus exitibus ultra repriſ. xx. s. ac etiam de & in uno alio meſuagio cum pertinen. in comitat & civitate prædict. ſituat, jacen' & exiſten. prope templum ibid voc' **Saint Clem. Church**, nuper terr̄ cujuſdam R. A. defunct', modo in occupatione B. C. vel aſſign. ſuorum, ſimul cum omnibus gardinis & edificiis eidem meſuagio ſpectan. ſive pertinen. clari annui valoris in omnibus exitibus ultra repriſ. v. li. ac etiam de & in uno alio meſuagio vocat, &c. in civitate & comitatu prædict. in tenura prædict. B. C. clari annui valoris in omnibus exitibus ultra repriſ. decem ſolid: quæ omnia & ſingula præd B. C. nuper perquiſivit ſibi & hæredibus ſuis de quibuſdam N. S. & Al' uxor̄ ejus un' filiarum E. cohæred præd R. G. Quod quidem meſuag' in tenura præd B. C. una cum gardino eidem meſuagio jacen. & ſpectan. cum omnibus & ſingul. ſuis pertinen. pro medietat omnium terr̄ & tenement. præd ego præfat. vic' deliberari feci R. S. in brevi prædict' nominat. Tenend ſibi & aſſign' ſuis juxta formam ſtatuti inde proviſ. ut liber̄ tenᵗ' ſuum quouſque debitum ſuum C. li. una cum xv. s. pro dampnis ſuis in brevi præd mentionat. plenar̄ inde levaver̄, prout breve prædict. in ſe exigit & requirit. Et ulterius Jur̄ prædict. ſuper ſacramentum

mentum ſuum prædict. dicunt, quod prædictus B. C. nulla alia ſive plura habet, ſeu die recogn' deb. prædict. habuit, bona aut catall' terr̄ ſive ten'. in comitatu prædicto ad eorum notitiam. In cujus rei Teſtim̄ tam ego præfat. vic' quam Jur̄ prædict. huic Inquiſ. ſigilla noſtra alternatim appoſuimus die & loco ſuprad, &c.

R. O. Ar̄ Vic'.

Retorn' de extent' ſur Statut'.

Virtute iſtius brevis mihi direct. cepi corpus infranominat̄ W. W. cujus quidem corpus ad diem & locum infracontent̄ parat̄ habeo, put interius mihi præcipitur.

Reſid' execuc̄ iſtius brevis patet in quadam Inquiſic' huic brevi annex'.

R.O. Ar̄ Vic'.

Inquiſic' Indentat̄ capt̄ apud civitat. Winton. in com̄ prædict' xii. die Januarii an', &c. coram me R. O. Ar̄ Vic' comitat. prædict' virtut' brevis dom̄ regis mihi direct' & huic Inquiſ. annex' per ſacrament. T. B. &c. ut ſupra, Qui dic' ſuper ſacrm̄ ſuum, quod W. W. in brevi prædict' nominat' die recogn̄ deb. in eodem brevi ſpec' fuit ſeiſit' in dominico ſuo ut de feodo de & in manerio de A. in Com̄ p̄dict' clari annui valor̄ in omnibus exit. ult. repriſ. C. li. ac de & in manerio de C. in com̄ prædicto clari annui valor̄ in omn' exit̄ ult. repriſ. C. li. Et ulterius Jur̄ prædict' ſup ſacrm̄ ſuum prædict' dic' qd' præd' W. W. die recogn. deb. prædict. ſeu unquam

quam poſtea nulla habuit bona ſeu catall' neque al' ſive plur̄ terr̄ ſive ten̄t. in com̄ prædict. ad eorum notitiam quod extend̄, appreciari, aut in manus dict. dom̄ Regis capi aut ſeiſiri poſſint. Quæ quidem maneria, terr̄ & ten̄t. prædict. cum pertinen. ego præfat. vic' die caption. hujus inquiſitionis cepi in manus dict. domini regis per extent. prædict'. In cujus rei Teſtim̄ tam ego præfat. vic' quam Jur̄ prædict. huic Inquiſ. ſigilla noſtr̄ alternatim appoſuimus die anno & loco ſuprad̄, &c.

R. O. Ar̄ Vic'.

Aliter.

Inquiſitio, &c. ꝓborum & legalium hominum de balliva mea, qui dicunt ſuper ſacrm̄ ſuū prædict. quod I. P. in brevi prædicto nōiat̄ (tali die & anno) ſeīt̄ fuit in dominico ſuo ut de feodo de & in maner̄ de M. cum pertin. in com̄ meo S. clari annui valoris in omn' exit' ultra repriſ. xx. s. ac de & in uno Capit' meſuagio cum pertin' vocat̄ C. in Com̄ prædicto, ac de xx. acr̄ terr̄ x. acr̄ prati lx. acr̄ paſt. & xvi. acr̄ boſci cum pertin' eidem meſ. ſpectan' ſive pertin' jacen' & exiſten' in H. in com̄ meo prædict' clari annui valoris in omnibus exit̄ ultra repriſ. xl. li. Et Jur̄ prædict' ulterius dicunt ſuper ſacrm̄ ſuū, quod prædict' I. P. nulla habet al' ſive plura maner̄, terr̄ ſive tenementa in com̄ meo p̄ter & ultra maner̄, terr̄ & ten̄ta in hac Inquiſitione b̄ri prædicto annex' men̄onat̄ ſeu aliqua bona ſeu catalla ad notic' Jur̄ p̄dictorū. Quæ omnia & ſingula maneria, meſ. terr̄ prat̄ paſtur̄ & boſc' prædict'

dict' ego præfat vic' virtute dicti brevis dicti dom̃ Regis huic Inquiſitioni annex' extendi & in man̄ dom̃ Regis ſeiſiri feci, ſecundum tenor̄ & exigenc' brevis prædict'.

W. S. Ar̄ Vic'.

Retorn' de recogn' extra Cancellar'.

Executio iſtius brevis patet in quadam Inquiſ. huic brevi annex'.

Inquiſ. &c. ut ſupr̄, qui dic' ſuper ſacrm̃ ſuũ quod E. M. in brevi præd̄ nominat̄ die capt̄ hujus Inquiſ. fuit poſſeſſionat̄ de diverſis bonis & catallis ſequen', viz. de frument̄ vocat̄ Rye ad valenc' x. s. de hordeo ad valenc', &c. & de quibuſd. utenſiliis vocat̄ Houſhold-ſtuff ad valenc' &c. Quæ quidem bona & catalla ego præfat vic' liber̄ feci præfat R. per præc' prædict' prout p breve præd̄ mihi præcipitur. Et ulterius Jur̄ præd̄ ſuper ſacrament̄ ſuum pra d̄ dic' quod præd̄ E. die recogn' deb. in eodem brevi ſpec' ſeu unquam poſtea null' alia ſive plura habuit bona aut catall' terr̄ neque tenement̄ in com̃ præd̄ quæ R. W. in eodem brevi nom̃ liber̄ fac' poſſum. In cujus rei Teſtim̃, &c. ut ſupra.

R. O. Ar̄ Vic'.

Aliter.

Inquiſitio, &c. ꝑborum, &c. Qui dicunt ſuper ſacrm̃ ſuum quod F. H. in brevi prædicto nominat̄ die captionis hujus inquiſitionis poſſeſſionat̄ fuit de diverſis bonis & catallis in ſcedul' huic

huic brevi annex' menc̃onat. Quæ bona & catalla ego præfat' vic' liberari feci infranominat' R. G. hẽ d̃ ſibi ut bona ſua propria in parte ſatisfaction' debiti in eodem brevi menc̃onat', prout breve prædictum in ſe exigit & requirit. Et Jur̃ prædict' ulterius dicunt ſuper ſacrm̃ ſuum, quod præfat' F. H. tempore recogn' prædict. F. H. in eodem brevi menc̃onat' ſcilicet (tali die & anno) ſeĩt' fuit in dominico ſuo ut de feod̃ de & in maner̃ de W. in C. in Com̃ meo prædicto cum p̃tin', ac de & in reddit̃ Aſſiãrum eidem maner̃ ſpectan' ad valenc' xx. s. ac de & in uno Capit' meſuag' vocat. W. Hall cum pertin̄ C. acr̃ terr̃ xl. acr̃ prati Cx. acr̃ paſt. & vi. acr̃ boſci cum pertin. eidem meſuagio pertin. clari annui valoris in omnibus exit' ultra repriſ. C. li. modo vel nuper in occupatione I. W. ſive Aſſign' ſuorum; Ac quod prædictum Maner̃ ac reddit' Aſſiãrum prædict' & prædict' C. acr̃ terr̃ ſunt medietas omnium maner̃ terr' & ten̄torum prædictorum, ac ſunt clari annui valoris in omnibus exit̃ ultra repriſ. L. libr. Quam quidem Medietatem ego præfat' vic' die captionis hujus Inquiſitionis per rõnabile pretium & extent' prædict' in præſentia prædict' F. H. R. G. in prædicto brevi sĩliter nõiat̃ liberari feci, tenend̃ ſibi & Aſſign' ſuis ut liberum̃ ten̄tum ſuum quousque debm̃ CC. li. in eod̃ brevi menc̃onat' plenarie inde levat' fuit ſecundum formam Statuti in hujuſmodi caſu edit' & proviſ. Ac etiam ulterius dicunt ſuper ſacrm̃ ſuum, quod prædictus F. H. nulla hab' alia ſive plura terr' ſive tenemẽta tempore recognitionis prædict' hucuſque, neque habet aliqua alia

bona

bona ſeu catalla in Balliva mea ad notic' Jur' prædictorum. In cujus, &c.

Retorn' de breve de vaſt'.

Execut' iſtius brevis patet in quadam Inquiſ. huic brevi annex'.

Inquiſ. &c. Qui dic' ſuper ſacramentum ſuũ prædᵈ, quod H. A. & I. uxor ejus in dicto brevi nominat' fecer' vaſtum, venditionem & deſtructionem in omnibus in eodem brevi ſpec', viz. permittendᵈ unam aulam pretii xxx. s. duas cameras pretii iij. li. unum ſtabulum pretii vigint' ſol ᵈ eſſe diſcoopert' ita quod pro defect' reparatiõ earundem domorum & per tempeſtates pluviales ſuper ill' deſcendent' devener' putrid. & corrupt', &c. contra formᵐ proviſionis in eodem brevi content'. Et ult' Jur' prædict' ſuper ſacrᵐ ſuum prædᵈ dic' quod prædᵈ A. & I. aliud neque plus vaſtum, vendition. ſeu deſtructionem fecer', vel aliquis eorum fecit, in domibus prædict'. In cujus rei Teſtimᵐ, &c. ut ſupra. South.

R. O. Aꝰ Vic'.

Retorn' brevis ad inquir' de dampnis in dote, ubi tenens obiit ſeiſitus.

Executio, &c. ut prædict. eſt.

Inquiſitio, &c. Qui dic. ſuper ſacrᵐ ſuum, quod infranominat. W. K. quinto die Januarii anno, &c. apud K. in comᵐ prædict. obiit ſeiſit. in dominico ſuo ut de feodo de & in tenementis infra- South.

infraſpec', & quod ten̄t. prædict. ſunt clari annui valoris in omnibus exitibus ult. repriſ. xx. s. Et quod ſex anni & tria quaternia unius anni delabantur à tempore mortis prædict. W. K. Et quod infranom̄ I. D. ſuſtinuit dampna occaſione dotis ſuæ infraſpec. ad valenc. xl. s. In cujus rei Teſtim̄, &c. ut ſup̄.

R. O. Ar̄ Vic'.

Aliter in tranſgr'.

Executio, ut ſupra.

Inquiſitio, &c. Qui dic. ſuper ſacrm̄ ſuum quod W. B. in dicto brevi nominat. ſuſtinuit dampn. occaſione tranſgr. in eodem brevi ſpec. ad xx. s. ultra mis. & cuſtag. ſua p̄ ipſ̄i circa ſectam ſuam in hac parte expenſ. Et pro miſ. & cuſtag. ſuis aſſidunt xl. s. In cujus, &c.

Retorn' de ſcire fac' ſcire feci.

Virtute iſtius brevis mihi direct' per A. B. & C. D. probos & legales hoīes de balliva mea ſcire feci infranomin̄ A. D. quod ſit coram Juſtic' dom̄ Regis, vel coram dom̄ Rege, vel coram Baron̄ dom̄ Regis, ad diem & locum infracontent̄, ad oſtendend. & p̄ponend̄ ſi quid p̄ ſe habet vel dicere ſciat quare, &c. according to the matter contained in the Writ, prout interius mihi præcipit̄.

Sed ſi ſit coram Juſtic' dn̄i Regis vel coram dn̄o Rege, verba (& p̄ponend̄) omittantur.

R. O. Ar̄ Vic'.

Aliter

Aliter ſic.

Virtute, &c. per A. B. & C. D. probos & legales homines de Balliva mea ſciri feci infranominat A. D. quod ſit coram Juſtic' infraſcript ad diem & locum infracontent ad oſtendend ſi quid, &c. ꝓut interius mihi præcipit. Si coram Baronibus de Scaccario dom̃ Regis, tunc, ad oſtendend & ꝓponend ſi quid, &c. ꝓut, &c.

W. S. Ar̃ Vic'

Retorn' Scir' feci verſus terr' ten'.

Virtute iſtius brevis mihi direct' ꝑ W. D. & E. A. ꝓbos & legales homines de Balliva mea ſciri feci W. G. generoſo, filio & hæred. infranóinat W. G. modo defunct', & A. G. vid', tenentibus manerii de Fro. cum pertin' in Com̃ meo ac unius capitalis Meſuagii voc' F. Hall, lx. acr̃ terr̃ xx. acr̃ prati l. acr̃ paſt' x. acr̃ boſci cum pertin' in F. in Com̃ meo, modo vel nuper in Occ̃ I. M. ſive Aſſigñ ſuorum, quæ fuer̃ Maner̃ terr̃ ten' prædict' W. G. patris tempore reddic̃onis Judicii inframenc̃onat̃ & poſtea in feod ſimplici; ita quod ſint coram domino Rege ad diem & locum infracontenr̃ ad oſtendend ſi quid, &c. prout mihi præcipit. Et ulterius domino Regi certifico, quod non ſunt aliqui alii tenentes, nec aliquis tenens eſt, aliquarũ aliarum terrarum ſive tenꝰtorum quæ fuer̃ prædict' W. G. patris prædicto tempore reddic̃onis Judicii prædict' ſeu poſtea in Com̃ meo cui vel quibus ſciri fac' potui.

W. S. Ar̃ Vic'

Retorn' de Nihil ſuper ſcir' fac'.

Infranominat A. B. nihil habet in balliva mea per qd' ſcir facere poſſum, nec eſt invent in eadem.

R. O. Ar Vic'.

Retorn' de Devaſtavit verſus exec'.

Virtute iſtius brevis mihi direct. cepi in manus meas diverſa bona & catalla quæ fuerunt infranomin. H. S. tempore mortis ſuæ in manibus infranominat R. O. & K. uxoris ejus exec' teſt. prædict' H. adminiſtrand exiſten. ad valenc' xxxvii. li. parcel' deb. infraſcr, quæ quidem bona & catalla remanent in cuſtodia mea pro defectu emptorum. Et ulterius Juſt. infraſcr certifico, qd prædict' R. O. & K. diverſa bona & catalla quæ fuer prædict' H. tempore mortis ſuæ ad valenc reſid deb. & dampn. infraſpec vendiderunt & devaſtaverunt, & denarios inde provenien' ad uſus ſuos proprios converter, ita quod reſid deb. & dampn' infraſpec de bonis & catallis ejuſdem H. S. levari ſeu fieri facere non poſſum. Et ulterius Juſt. præd certifico, quod prædict' R. O. & K. uxor ejus nulla habent bona ſeu catalla de bonis & catallis ſuis propriis in balliva mea unde reſid deb. & dampn' infraſpec aut aliquam inde parcell' fieri facere poſſum, prout interius mihi præcipitur.

R.O. Ar Vic'.

Retorn'

Retorn' de Replevin ſur return' habend' averiorum.

Virtute iſtius brevis mihi directi deliberari feci infranom̄ I. B. averia quæ T. M. cepit, & eidem T.M. in cur. dom̄ regis adjudicat̄ fuer̄, ꝓut interius mihi præcipitur.

R. O. Ar̄ Vic'.

Retorn' de averia elong' ſur ſecond deliverance.

Ante adventū iſtius brevis averia infraſcr̄ per infranom̄ T. C. elongat̄ fuer̄ ad loca mihi ignot̄, itaque viſ. eoru nd̄ infranom̄ H. & T. H. return. habere non potui, ꝓut interius mihi præcipit'.

R. O. Ar̄ Vic'.

Retorn' de Withernam.

Virtute iſtius brevis cepi duas ollas æreas, duas patell' æreas, &c. de bonis & catallis I. H. in iſt. brevi nom̄ in Withernā, & ea W. B. infranom̄ deliberari feci, habend̄ eidem W. B. quouſque prad̄ I. B. catall' prad̄ W. B. deliberar̄ voluer̄, prout breve iſtud in ſe exigit & requirit. Et ulterius vobis certifico, quod prad̄ I.H. in iſto brevi nom̄ null' habet alia bona neque catall' quæ in Withernā capi poſſunt aut per quæ Attach. poteſt juxta tenorem hujus brevis.

R. O. Ar̄ Vic.'

Retorn' brevis collect' xv. & x. extra Scacc'.

Virtute iſtius brevis mihi directi ſcire feci infrancm̃ A. B. ac etiam quæ ex parte dom̃ regis fierent; dedi in mandat. præd̃ A. B. circa levationem & collectionem ſextæ quintodecimæ & decimæ ſex integrar̃ quintodecimar. & decimar' infraſcript̃. ac obligat̃ ſecundum formã ſtat. infraſcript̃ præd̃ A. B. oſtendi feci ipſi ex parte dom̃ regis ſigillandã, & ut fact' ſuum ad uſum ejuſd̃ dom̃ regis deliberandã, ſcil. dedi in mandat̃, ſed præd̃ A. B. omnin. eandã ſigillare vel circa collect. præd̃ intendere recuſavit, & adhuc recuſat, in contempt. dicti Domini Regis, ideo eandem obligationem ad diem & locum infracontent̃ habere non poſſum, prout interius mihi præcipitur. Et ulterius certifico, quod ſcire feci infranominat̃ C. D. quod ipſe circa levationem & collectionem dict' ſextæ quintodecimæ & decimæ prædict' ſex integrarum quintarum decimarum infraſcript. diligenter intendat, & obligationem ſecundum formam Statuti infraſcript̃ ab eodem C. D. recepi, & eandem in Scacc. dicti domini regis ad diem infracontent̃ certifico, put interius mihi præcipitur.

R. O. Ar̃ Vic'.

Retorn' Fieri facias in Scacc'.

Baronibus infraſcript̃ certifico, quod W. B. ſen̄us G. de D. in com̃ meo Ar. mort̃ eſt, ac quod alter W. B. jun. eſt ibm̃ adhuc vivens, ſed uter eorum fuit debitor dom̃ Regis per [illegible]ve præ-

dict̄ mihi nō conſtat; ſic in execut. iſtius br̄is ad præſens procedere non poſſum: ac quoad reſid̄ execuc̄onis iſtius brevis de bonis & catallis terr' & ten̄t. I. W. in ſcedul' huic brevi annex' sīliter nominat' ceſſavi, eo quod denar' in ſcedul' præd̄ men̄conat' & ſuper ipſum onerat' levat' & ſolut' fuer' in recept' Scaccar' dom' Regis per W. I. Ar' nuper vic' Com' mei Termino ſancti Michaelis anno regni domini Regis nunc viij. prout p̄ computum ſuum inde fact' conſtat.

W. S. Ar̄ Vic'.

Retorn' Nichil ſur diſtring'.

Infranominat' W. S. nichil habet in balliva mea per quod diſtringi poteſt.

W. S. Ar̄ Vic'.

Aliter.

Nulli ſunt Executores ſive Adminiſtratores infranominat' I. C. nec ſunt hæred̄ ſive tenent. terr' & ten̄torum nec occupat' bonorum & catallorum quæ fuer' prædict' I. C. in balliva mea quos diſtringere poſſum.

W. S. Ar̄ Vic'.

The return of a wood Writ in the Exchequer.

Baron' infraſcript' certifico, quod P. M. L. S. & T. W. in ſcedula huic brevi annex' nominat' nulla habent bona ſeu catalla terr' ſive tenement'

infra ballivam meam unde ſeperalia debit̃ ſuper ipſos & eorum quemlibet impoſit̃ fieri facere poſſum: ſed virtute iſtius brevis mihi direct̃ fieri feci de bonis & catallis H. L. T. K. & I. B. in dict' ſcedula nominat̃ ſeperal' ſummas ſuper ipſos & eorũ quemlibet onerat̃, & denarios ill. coram Baron' infraſcript̃ ad diem & locum infracontent̃ parat̃ habeo, prout interius mihi præcipitur. Et ulterius certifico, quod I. B. E. A. & W. B. in dict' ſcedula nominat̃ allegaver̃ ſe habere exoner̃ actiõn pro ſeperal' ſummis ſuper ipſos & eorũ quemlibet onerat̃, & pro eo accepi ab eis ſufficien' ſecurit̃, & præfixi eis diem eſſẽdi hic ad ſcaccarium domini regis infraſcr̃ ad diẽ & locum infracontent̃, prout interius mihi præcipitur.

R. O. Ar̃ Vic'.

Retorn' brevis de reſpect' homag. al' diſtringas in Scaccario.

M. infranominat̃ A. B. { I. Doo, & Rich. Roo.

Exit̃ ——— xx. s.

Or according to the value of the land, more or leſſe.

R. O. Ar̃ Vic'.

Retorn' de Seaſur' in Scaccar' nomine diſtrictionis.

Virtute iſtius brevis mihi directi xx. die Ma. anno regni domini regis infraſcript̃ decimo-quinto,

quinto, cepi in manus dñi Regis manerium de S. infraſcript̄ cum pertinen' in S. in com̄ infraſcript̄, quod quidem manerium eſt clari annui valoris in omnibus exit̄ ult̄ repriſ. xx. li. de terr̄ P. B. in ſcedul' huic brevi annex' nominat̄; ac cepi etiam in man' ejuſdem dom̄ regis unum tormentum voc' a Petronel cū le flaſk & touch-box, valor̄ x. s. nomine diſtrictionis de bonis & catallis I. C. in ſcedul' præd̄ nominat̄, prout iſtud br̄e in ſe exigit & requirit, &c.

R. O. Ar̄ Vic'.

Aliter ubi Nihil eſt return'.

Baron' infraſcript' certifico, quod A. B. C. D. & cæter̄ perſonæ in quibuſd̄ ſcedulis huic brevi annex' nominat' nulla habent bona ſeu catalla infra ballivam meam unde ſeperal' debit' ſuper eos onerat' ſeu aliquam inde parcell' fieri facere poſſum, nec ſunt invent', nec eorum aliquis eſt invent' in balliva mea; nec ſunt aliqui exec' teſt. ſive ultimæ voluntat' præd̄ ſeperalium perſonarū, neque adminiſt' bonorum & catall' quæ ſua fuerunt, nec aliqui hæred̄ ſeu terr̄tenen̄ præd̄ ſeperalium perſonarū ſive eorū alicujus infra ballivam meam quos diſtringere poſſum, prout iſtud breve in ſe exigit & requirit.

Reſid̄ executionis iſtius brevis patet in quibuſdam Inquiſ. huic brevi annex'.

R. O. Ar̄ Vic'.

Nihil return'.

Inquiſ. indēt', &c. qui dic' ſuper ſacrm̄ ſuū Sout'

quod A. B. C. D. &c. in ſcedul' huic brevi annex' nominat' ſeperalibus diebus & ann' quibus primo debitor̄ devener̄ domino regi ſeu unquam poſtea hucuſque nul' hūer̄ bona ſeu catall' terr̄ ſive tenemen' infra ballivam meam quæ extendi aut apprec' poſſint ad eorum notic'; & quod mortui ſunt, ſed quibus die & anno, ſive diebus & annis, ac ubi, penitus ignorant. In cujus rei teſtim̄, &c. ut ſupra.

R. O. Ar' Vic'.

Ubi terr' extend' jacet in al' Com'.

Baron' infraſcr̄ certifico, quod omnia terr̄ & tenement' quæ fuer̄ infranom̄ N. F. aut al' anteceſſorum ſuorum jacent in com̄ S. & non in balliva mea.

R. O. Ar' Vic'.

Commorans in al' Com'.

Infranominat' E. S. eſt vic' Com̄ O. & eſt com̄orans in dicto com̄ O. & non eſt inventus in balliva mea.

R. O. Ar̄ Vic'.

Retorna pro vic' meſme.

Baron' infraſcr̄ certifico, quod ego H. W. miles modo ſum vic' Comit' S. ideo meipſum diſtringere non poſſum, prout interius mihi præcipitur.

H. W. Mil' Vic'.

Retorn'

Retorn' brevis pro elect' Mil' Parliamenti.

Virtute iſtius brevis mihi directi Elig' feci duos milit' gladiis cinctos magis idoneos & diſcret' de com̃ meo præd, viz. W. F. & I. S. qui quidem mil' plen' & ſufficient. poteſt. pro ſe & communitate com̃ præd habeant ad faciend & conſentiend hiis quæ ad diem & locum infracont' de communi conſilio regni regis Angliæ ordinari conting', & prædict W. F. & I. S. manucapt' ſunt per I. P. W. B. R. D. & R. N. ad eſſend ad Parliament' Domini Regis apud Weſtm̃ ad diem infracontent' ad faciend prout iſtud breve in ſe exigit & requirit. Feci etiam præcept' I. P. & W. S. ball' libert' villæ de G. quod de burgo de G. eligi facerent duos Burgenſes de diſcret' & magis ſufficien' quod ſint ad parliament' dicti dom' regis ad diem infracont' ad faciend & conſentiend ut præd eſt: qui quidem ballivi ſic mihi reſpond, quod eligi fecer̃ de præd burgo de G. duos burgenſes diſcret' & magis ſufficien' ad eſſend ad parliament' præd, viz. S. W. & R. W.

Reſid execuc' iſtius brevis patet in quibuſdam Inquiſic' huic brevi annex'.

R. O. Ar̃ Vic'.

Retorn' de breve ſum' Parliamenti.

Virtute iſtius brevis mihi directi tam infra libertat' quam extra per totam ball' meam publice proclam' feci, quod omnes & ſingul' perſon' habentes terr̃ tenement' aut reddit̃ ut infraſcr' eſt, quorum nomin' in quadam ſcedul' huic brevi annex'

nex' ſunt ſcript̄, ad præſent̄ domini regis circa feſtum infraſcr̄ perſonalit̄ compareant ad præf. ordinem recipiend̄, prout interius mihi præcipitur.

F. P. Mil' Vic'.

Retorn' de Reſcous.

Executio iſtius brevis patet in quadam ſcedula huic brevi annex'.

Virtute brevis domini regis mihi directi & huic ſcedulæ annex' feci quoddam warrant̄ meum cuidam I. M. ballivo meo itineranti ad capiend̄ & arreſtand̄ E. G. in dicto brevi nominat̄ ſecundum exigenc' ejuſdem brevis: qui quidem ballivus meus virtute warrant̄ mei præd̄ decimo die I. anno, &c. apud D. in com̄ S. prædict' cepit & arreſtavit corpus prædict' E. G. & ad tunc & ibidem ipſum E. G. in cuſtodia ſua habuit: ſuper quo F. G. de C. præd̄ in com̄ prædict' gener̄ & T. M. de eiſdem vill' & com̄ gener̄ ad tunc & ibidem vi & armis, viz. gladiis, pugionibus, & bacul', in prædict' ball' meum inſult̄ feceṟ, & ipſum ballivum meum ad tunc & ibidem contra legem & conſuetudinem regni domini regis Angliæ, &c. ac contra voluntatem ipſius ballivi mei, impriſonaveṟ, & ipſum ballivum meum in priſona ibidem per ſpacium unius horæ ad tunc & ibidem detinueṟ, & xx. d. in pecun̄ numeratis de bonis & catallis & denar̄ ipſius ballivi mei à perſona ipſius ballivi mei adtunc & ibidem prædict' T. M. cepit, ac præf. E. vi & armis prædict' ad tunc & ibidem à cuſtod̄ dict' ballivi mei ceper̄ & reſcuſſeṟ, necnon idem E. ſeipſum ad tunc & ibi-

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dem à cuſtodia prædict' ballivi mei reſcuſſit, contra voluntatem ejuſdem ballivi mei, & contr̄ pacem dicti domini regis nunc, &c. Et poſtea idem E. non fuit invent' in balliva mea.

R. O. Ar̄ Vic'.

Alit' per ballivum Hundred'.

Virtute iſtius brevis feci quoddam warrant. meum W. H. ballivo Hundred' de H. qui mihi ſic reſpondit, quod ubi ipſe virtute warr̄ prædict' decimo die S. anno, &c. apud C. in comitatu prædict' cepit quendam I. S. & ipſum uſque ad gaolam dom̄ regis Caſtri ſui Winton̄ ducer̄ voluiſſet ibidem ſalvo cuſtod', illuc ven̄ quidā I. G. & R. S. cum plur̄ al' ignot̄ vi & armis modo guerrino arraiat', & à cuſtod' dicti ball' apud, &c. prædict' I. S. ceper̄ & abduxer̄, & dictum ballivum necuiſſe voluer̄, niſi ipſum I. S. evadere permitteret; & ſic ob metum mortis ſuæ ipſum I. S. evadere permiſit: & ea de cauſa corpus prædict. I. S. coram domino rege ad diem & locum infra-cont̄ habere non poſſum, ꝓut interius mihi præcipitur. Et ulterius certifico, quod præd̄ x. die, &c. præd̄ I. S. non fuit inventus in ball' mea.

R. O. Ar̄ Vic.

Alit' per ballivum libertatis.

Virtute iſtius brevis mihi directi mandavi I. S. ballivo libertat̄ de D. in com̄ præd', qui habet plenum return̄ omnium brevi̅, præcept̄ & warr̄ ſibi

ſibi inde direct', qui tali die & an' apud P. in com̃ prad̃ T.S. in brevi huic ſcedulæ annex' nominat̃, & in eodem warr̃ ſibi direct. ſimiliter nominat̃, cepit & arreſtavit, & ipſum T.S. in cuſtodia ſua occaſione prædd ad tunc & ibidem habuit & tenuit. Ac quidam I. C. nuper de S. in comitat̃ prædict' Husbandman aggregat̃ ſibi quamplur̃ al' malefact' ignot. paciſque domini regis perturbat̃ ad numerum viginti perſonarum modo guerrino arraiat̃ vi & armis, viz. &c. in ipſũ ballivum adtunc & ibm̃ riotoſe inſult̃ fecer̃, & ipſum verberaver̃, vulneraver̃, & male tractaver̃, ita quod de vita ejus deſperabatur. Et quod I. C. & al', &c. ipſum T. S. extra cuſtod̃ dicti ballivi adtunc & ibidem ceper̃ & reſcuſſ. & ſui juris & ad largum ire permiſer̃, contra voluntatem prædict' ballivi: ac idem T. S. ſeipſum extra cuſtod̃ dicti ballivi adtunc & ibidem ſimiliter reſcuſſit, contra pacem dom̃ regis tunc, &c. Et poſtea idem T. non fuit invent̃ in balliva mea,

R.O. Ar̃ Vic'.

Retorn' de proclam' extra Cancellar'.

Virtute iſtius brevis mihi directi publice proclamar̃ feci infra ballivam meam quod infranominat̃ H. B. ſub pena legianciæ ſuæ coram Domino rege in Cancellar̃ ſua infraſcript̃ ad diem infracontent̃ compareat, prout interius mihi præcipitur. Necnon Domino Regi certifico, qd' infranominat̃ H. B. non eſt inventus in balliva mea,

R. O. Ar̃ Vic'.

Retorn'

Retorn' de Commiſſion' de rebellion.

Domin' regi certifico, quod tempore receptiōn iſtius Cōmiſſ. mihi & al' direct' infranom̄ W.W. capt̄ & arreſt. fuit p̄ W. S. mil' vic' com̄ S. virtute diverſ. br̄ium eidē vic' direct',& gaolæ domini regis caſtri ſui Wint̄ p̄ eund' vic' cōmiſſ. fuit; in qua quid' gaola ego p̄f. I. W. p̄f. W. W. virtute iſtius cōmiſſion̄ attach. feci, ꝓut interius mihi præcipit̄, ſed corpus ejus ad diem & locū infracontent̄ hēre non poſſum, quia idem W. in ead' gaola ſub ſalv. cuſtod' dicti vic' ob diverſ. alias cauſas ibidem detinetur.

I. O. Commiſſion'.

The return of a Dedimus poteſtatem, to take the Oath of a Sheriff.

Virtute iſtius brevis mihi direct' tali die & an̄, &c. infraſc. recepimus ſacrm̄ infranom̄ R.O. vic' com̄ S. de officio illo bene & fidelit̄ faciend', juxta form̄ cujuſd' ſcedulæ præſentibus annex', ꝓut interius mihi præcipit̄, ac ꝓut breve iſtud in ſe exigit & requirit.

W. S. & B. T. } *Commiſſ.*

Retorna de breve de Præmunire.

Virtute iſtius brevis tali die & anno per I. S. T. W. & I. F. probos & legales hōines de ball' mea præmunir̄ feci W. K. cleric' infranomin̄ quod ſit coram dom̄ rege ad diem infracont̄ ubicunque,

cunque, &c. ad fac' & rec' prout iſtud breve in ſe exigit & requirit. Et I. B. & cæteri def. infranom̃ nihil habent in ball' mea per quæ eis præmunire fac' poſſ. nec ſunt invent̃ in ead.

R. O. Aꝛ̃ Vic'.

Retorn' brevis ubi Clericus non habet laicum feodum.

Virtute iſtius brevis mihi directi Juſtic' infraſcript̃ certifico, quod infranominat̃ T.H. Clericus eſt benefic' in Epiſcopat̃ London̄ null' habens laicum feod̃ in balliva mea ubi poteſt ſum̃. (Vel) & nullum habet laicum feod̃ in balliva mea ubi ſum̃ poteſt.

R.O. Aꝛ̃ Vic'.

Returna brevis eligend' viridar' Foreſtæ.

Domiñ reg. certifico, quod infranominat̃ I.H. ante advent̃ iſtius brevis mihi direct' mortuus fuit, quodque ego poſt receptionem iſtius brevis in pleno com̃ meo tent̃ apud caſtr̃ Winton' in com̃ meo viceſimo nono die Marc' anno infraſcr̃ ex aſſenſu ejuſdem Com̃ loco prad̃ I. eligi feci quendam N. S. armiger̃ viridar̃ foreſtæ de B. infraſcript̃, ad fac' ea omnia quæ ad offic' illud pertinent, prout iſtud breve in ſe exigit & requirit.

R. O. Aꝛ̃ Vic'.

Retorn'

Retorn' brevis ſumm' coram Juſtic' foreſtæ.

Virtute iſtius brevis mihi directi ſum̃ feci Archiepiſcopos, Epiſcopos, Comit̃, Baron', & omnes alios liberos tenen' qui terr̃ & tenement̃ habent infra metas foreſtæ domin' regis infraſcript̃ in comitatu meo, & quatuor homines & præpoſit̃ de qualibet villa infra metas ejuſdem foreſtæ, ac etiam duos probos & legales homines de quolib. burgo infra metas dictæ foreſtæ tenend̃ venir̃ detiner̃ ut ſolebant, quod ſint coram Juſtic' infraſcript̃ ad diem & locum infracontent̃, prout interius mihi præcipitur. Publice etiam proclam̃ feci per totam ballivam meã, tam in burgis quã in aliis villis, ac in feriis, mercatis, & aliis locis publicis, quod omnes ill' qui per chartam domin' regis nunc aut anteceſſ. vel progenitor̃ ſuor̃ aut aliquo alio modo aliquas libertates ſeu franchefias teneant, aut libertat̃ habere clam̃ & quo warr̃, quod ſint coram dictis Juſtic' ad diem & locum prædict'. Proclam̃ etiam feci quod omnes attach. pro virid̃ & venac' in foreſta prædict. poſt ultimum placit̃ foreſtæ præd̃ tent̃, & eorum pleg. & manucapt̃ qui fuer̃ die per manucapt̃ præd̃ eſſend̃ coram præfat̃ Juſtic' ad ſtand̃ rect' & ad faciend̃ ea quæ ſecundum legem foreſtæ facere debent.

Reſid̃ execution' iſtius brevis patet in quibuſdam pannell' huic brevi annex'.

R. O. Ar̃ Vic'.

Le

Le pannell.

Anthon̄ B. & C. generos. & sic xxiiij. for the grand Jury, and twelve for the petty Jury.

Quando aliquis ostend' vic' tall' sua.

Virtute istius br̄is mihi directi baron' infrasc' certifico, quod firmar̄ infranomin' post receptionem hujus brevis mihi ostend̄ tall' sua de solutione firmæ suæ interius specif. ob quod præfixi eis diem essendi coram baron' infrascr̄ ad faciend̄ & recipiend̄ super tall' præd̄ juxta tenor̄ hujus brevis. Et ideo levatio sum̄ interius specific' supers. prout interius mihi præcipitur.

W. V. Ar̄ Vic'.

Retorna brevis ad proclam' vic' ad reddend' compotum suum per Coronatores.

Virtute istius brevis nobis directi Baron' infrascripț certificamus, quod in pleno Comitatu S. infrascr̄ ten̄ apud Castrum Winton' in comitatu S. prædict' vicesimo die A. anno, &c. infrascr̄, ac etiam in pleno comitat̄ præd̄ apud W. præd̄ 18. die Septembr̄, anno, &c. necnon in diversis vicibus postea in com̄ præd̄ articulatim proclamari fecimus omnia & singula articula quæ in isto br̄i continen̄ & specificant̄, sput p̄ br̄e istud nobis interius præcipitur.

I. W. } *Coron'.*
W. R. gen. }

Retorn'

Retorn' de Capias extra Scaccarium tam corpus quam terr' nomine distrīct'.

Virtute istius brevis mihi directi Baron' infrascript̄ certificò, quòd cepi corpus infranominat̄ I. R. cujus quidem corpus coram dictis Baronibus paratum habeo ad diem & locum infracontent̄ Necnon vicesimo die J. anno, &c. infrascript̄ cepi in manus domini regis nomine districtionis cert̄ terr̄ & tenement̄ infranominat̄ I. R. jacent̄ & existen' in B. annui valor̄ C. s. prout istud breve in se exigit & requirit.

R. O. Ar̄ Vic'.

Capias in manus manerium.

Virtute istius brevis mihi directi Baron' infrascript̄ certificò, quod vicesimo die Martii, anno, &c. infrascript̄ cepi in manus domini regis infraspecificat' maner̄ infrascript̄ cum pertinentiis prout interius mihi præcipitur. Et si sit cum inquisitione pro annui valor̄ tunc sic br̄e præd̄ return' est.

Resid̄ executionis istius brevis patet in quadam Inquis. huic brevi annex'.

R.O. Ar̄ Vic'.

Inquisitio Indentat̄ capt̄ apud, &c. as the inquisition is before for the form, onely putting in the new matter.

Retorn' brevis de Quis est tenens extra Scacc'.

Virtute istius brevis mihi direct' Baron' infrascript' certifico, quod W. B. & M. uxor ejus sunt tenentes tertiæ partis manerii infrascr' in tres partes dividendum & C. A. M. E. & I. B fil' C. D. defunct' sunt tenent' secund' partis manerii prad' in tres partes dividendum, & tert pars manerii prad' rem' in Custod' domini regis ration' minoris ætatis P. B. fil' & hæred' pd' C. B.

M. prænominatorum } Joh. Doo.
W. B. & M. uxor ejus. } Rich. Roe.

R. O. Ar' Vic'.

Retorn' de venire fac' extr' Scaccarium vel offic' Coron' in natura de Summons ubi est insufficient'.

Infranominat' A. B. nihil habet in balliva mea per quod poteſt Attach. vel ubi eum sum possum.

Infranominat' A. B. Attach. est per pleg. viz. } Jo. Fen.
} Rich. Den.

R. O. Ar' Vic'.

Exit' eorum j. marc'.

Et ulter' si hæc verba recitantur in brevi, necnon ad ostend' tunc in quovis x. s.

Retorn' de distringas ubi pars nihil habet inter'.

Infranomitat' A. B. nihil habet in terr' tenement'

menī & hæreditamentis infraſcr̄ per quod ipſum diſtringere poſſum.

Alias.

Nullum tale manerium neque *ulla* terr̄ ſive teñt cognīt per nomen de E. jaceñ in com̄ S. unde tenentes inde diſtringere poſſum prout interius mihi præcipitur.

R. O. Ar̄ Vic'.

Retorn' de venditione expoſit'.

Virtute iſtius brevis mihi direct' de die in die vendition' expoſui ill' bona & catalla ad valenc' C. s. reſid̄ de 8. li. quæ nuper de terris & catall' terr̄ & teñt' T. E. infranomin' cepi & inde vendidi ad valenc' xl. s. quos ad quidem xl. s. diem & locum infraconten' parat̄ habeo ad reddend̄ infranom̄ C. D. prout interius mihi præcipitur. Et reſid̄ bonorum & catall' præd̄ adhuc penes me remanent invendit. pro defect' emptorum.

Aliter retorn' de vendition' exponas.

Baron̄ infraſcript̄ certifico, quod ill' C. ove' in hoc breve ſpec' vendition' exponere non potui eo quod adhuc remanent in manus infraſ̄ R. N. nuper Vic' com̄ S. & nunquam mihi præf. nunc vic' adhuc per præf. nuper vic' deliberat̄ fuer̄.

R. O. Ar̄ Vic'.

Retorn' de fieri fac' ubi null' addition' datur aliis def.

Baron infraſcr certifico, quod ſunt diverſ. perſonæ in com meo nomin & cognominis de I. K. viz. I.K. de B. I. K. de F. & I. K. de A. quæ non continentur in iſto brevi de cujus prædd I.K. &c. bonis & catall' denar infraſc' fieri facere neſcio, ideo ad executionem iſtius brīs procedere non potui.

R. O. Ar Vic'.

Retorn' brevis extra Cur. Wardorum & Liberationum.

Poſt receptionem iſtius brevis & ante retorn' ejuſdem ſeparal' denar ſum infraſcript ſoluti fuerunt per ſeparales perſonas infranominat receptori domin' regis cur ſuæ Wardor & Liberac', ideo ad executionem ejuſdem brevis proceder non potui prout interius mihi præcipitur.

R. O. Ar Vic'.

The Return of a ſignificavit.

Virtute iſtius brevis mihi direct' cepi corpus infranomin' A. B. cujus quidem corpus remanet in priſona domin' regis Caſtri ſui Winton ſub ſalvo cuſtod mea donec ſanct' Eccleſiæ tā de contemptu quā de injur ei illat' ab eo fuer ſatisfact' prout iſtud breve in ſe exigit & requirit.

R. O. Ar Vic'.

The

The Return of a signific' with proclam'.

Infranominat' A. B. non est invent' in balliva mea sed virtute istius brevis mihi direct' in pleno com' meo tent' apud castrum Winton. in com' infrascript' xv. die Julii anno infrascript' publice proclam. feci quod prædict. A. B. infra sex dies proxim' post proclam' illam corpus suum reddat in forma infrascript' prout breve istud in se exigit & requirit.

R. O. Ar' Vic'.

Inquisitio, &c. Qui dic' super sacrament' suũ quod W. F. in schedul' brevi præd' annex. nominat' mortuus est, sed quibus die & anno aut ubi penitus ignorant; quodque W. M. etiam in eadem schedula nominat' est residens in Londin. & I. S. est comorans apud B. in com' W. & A. R. in vil. & comit' Southampt' extra com' South. & reliqui person. in eadem schedul' nominat' ita vagrant & discurrunt in comit. prædict' quod capi & arrestar' non possint. In cujus rei Testimon', &c.

Inquisitio, &c. qui dic' super sacrament. suũ quod H. S. in schedula huic brevi annex. spec' nul. alia sive plura habet maneria terr' neque tent' in com' præd' præter & ultra manerium terr' & tenement. in schedul' brevi præd' annex. spec' quæ extend' aut in manus dom' regis seisiri possint. In cujus rei Testimon', &c. South.

Inquisitio, &c. Qui dic' super sacrm' suum quod South.

quod I. W. in brevi præd̄ nom̄ die caption. hujus inquisitionis fuit possessionat. de quadam dimissione pro termin. viginti an' unius mesuag', &c. in A: in com̄ præd̄ cum pertinent' an' valor̄ in omnibus exit. ultra repris. 4. li. quam quidem dimissionem ego præf. vic. die captionis hujus inquisitionis cepi in manus dicti dom̄ regis. In cujus rei Testimon', &c.

South. Inquisitio, &c. Qui dic' super sacr̄m suum quod quibus die & anno nuper comes H. obiit & ubi penitus ignorant, quodque ipse nul' habet bona aut catalla in com̄ præd̄ quæ capi & in manus dict' dom̄ regis extend̄ possint. Et ulter̄ dic' quod præd̄ comes H. die quo obiit fuit seisit' in dominico suo ut de feodo de & in manerio de C. cum pertin. clari ann' valoris in omnibus exit' ult. repris. xxv. li. quod quidem maner̄ cum pertin' ante advent' istius brevis ego præf. vic. virtute alterius brevis extra hanc Cur̄ emanan. & ex parte rememor̄ dicti domini regis hujus scaccar̄ affilat. seisir̄ feci in manus dicti domini regis p extent' præd. In cujus rei testim̄, &c.

Alias.

Vicar̄ infrascript̄ cum pertin̄ in manu dicti domini regis exist̄it. Sede Episcop. Winton̄ modo vacant.

Alias.

Quod maner̄ terr̄ & tenit' nuper W. dom̄ de Warr̄ in manus dicti domini regis exist̄unt, eo quod

quod T. W. miles mod̄ domin. de le Warr̄ filius & hær̄ præd̄ W. non prosecutus est liberac' suam extra cur̄ dict. dom̄ regis Wardor̄ & Liberac'. In cujus rei testim̄, &c.

The return of a Writ of partition.

Ego R. O. Ar̄ Vic' com̄ præd̄ Justic' in brevi huic schedulæ annex' spec', certifico quod virtute brevis ill. in propria persona mea xv. die J. anno, &c. accessi ad mesuag. in brevi prædict' spec' per sacram̄ A. B. &c. ad numerum 12. proborum & legalium hominum de com̄ præd̄ & usum in eodem brevi spec. habuit respect. ad verum valorem ejusdem mesuag. eundem mes. cū pertinentiis in quatuor equal' partes partiri feci, & unam partem partium illar̄, viz. &c. tenend̄ H. S. & uxori ejus in brevi præd̄ nominat̄ in separalitate per metas & bondas in jure ejusd̄ I. E. aliam partem inde, viz. &c. tenend̄ I. C. & E. uxor̄ ejus in brevi præd̄ nominat̄ in separalitat̄ in jure ejusd̄ E. & duas al' partes inde, viz. &c. tenend̄ præf. I. C. in separalitat' in jure suo p-prio. Et ego præf. vic' die & anno suprad̄ eas deliber̄ & assign. feci prout idem breve in se exigit & requirit.

R. O. Ar̄ Vic'.

Miſcellania Retorn' Brevium.

Retorn' brevis ſecundum Actum Parliamenti nuper fact' pro citiore proceſſu ſuper Diſtrictiones & Avocationes.

EXecutio iſtius brevis patet in quadam Inquiſitione huic brevi annex'.

W. S. Ar̃ Vic'.

Northt. ff. Inquiſitio, &c. Qui dicunt ſuper ſacramentum ſuũ qđ tempore captionis Vaccæ in bri prædicto mentionat̃ xlvi. s. in brevi prædicto ſpecificat̃ P. F. in eodem brevi nominat̃ pro decem Annis finit̃ ad feſtum ſancti Michaelis Archi. anno regni dicti domini Regis xxiij. aretro fuer̃ & debit̃ jure Manerii ſui de D. in prædicto bri ſpecificat̃ Qđque Vacca prædicta tempore captionis illius rationabilit̃ valebat xl.s. & non ultra. In cujus, &c.

W. S. Ar̃ Vic'.

Retorn' null' bona & Devaſtavit.

Juſtic' infraſcript̃ humillime certifico, quod infranominat̃ I. B. nulla habet bona ſeu catalla de bonis ſuis propriis in balliva mea unde infra-

mentionat̃

mentionat̃ x. li. pro Miſ. & Cuſtag. infranõinat̃ I. S. jun̄ vel aliquem denarium inde ad præſens fieri fac' poſſum. Et ulterius Juſtic' prædict' certifico, quod ante adventum iſtius brevis prædictus I. B. diverſa bona & catalla quæ fuer̄ infranõinat̃ Edwardi tẽpore mortis ſuæ ad valenc̄ reſid̄ dampn' infraſcript̄ vendidit elongavit devaſtavit & in uſum ſuum proprium convertit & diſpoſuit ita quod dampna infraſcript̄ vel aliquem denarium inde de bonis quæ fuer̄ prædict' Edwardi tempore mortis ſuæ fieri facere non poſſum.

W. S. Aŕ Vic'.

Retorn' Fi. Fa. cum Scir. Fa. & Inquiſic'.

Infranominat̃ I. I. nulla habet bona ſeu catalla quæ fuer̄ infranominat̃ R. I. tempore mortis ſuæ in manibus ſuis adminiſtrand̄ in balliva mea unde debm̄ & dampna infraſcript̄ vel aliquem inde denar̄ fieri fac̄ poſſum Diverſa tamen bona & catalla quæ fuer̄ prædicti R. I. tempore mortis ſuæ ad valentiam debiti & dampnorum prædict' poſt mortem prædicti R. I. ad manus præfat̃ I. I. devener̄ adminiſtrand̄ unde infranominat̃ I. O. de debito & dampnis prædictis ſatisfeciſſe potuiſſet Quæ quidem bona & catalla prædicti R. I. prædictus I. I. poſtea elongavit devaſtavit & in uſum ſuum proprium convertit & diſpoſuit prout per quandam inquiſitionem ſuper ſacr̃m proborum & legalium coram me virtute hujus brevis capt̃ & huic brevi annex' mihi conſtabat Ita quod debitũ & dampna prædict' de bonis & catallis quæ fuer̄ infranominat̃ R. I. tempore mortis

mortis ſuæ fieri facere non poſſum Ac prædict' I. I. nichil habet in balliva mea per quod ei ſcire facere poſſum nec eſt invent̄ in eadem Reſid̄ executionis iſtius brevis patet in prædicta inquiſitione huic brevi annex'.

W. S. Ar̄ Vic'.

Alit' cum ſcir' fac' deeſt.

Northt. ſſ. Inquiſitio, &c. per ſacr̄m I. T. &c. proborū & legalium hominum de balliva mea qui dicunt ſuper ſacramentum ſuum quod diverſa bona & catall' quæ fuer̄ infranominat̄ R. I. tempore mortis ſuæ ad valentiam debiti & dampnorum in br̄i prædicto mentionat̄ poſt mortem prædict' R. I. ad manus I. I. adminiſtrand̄ devenerunt unde I. O. in eodem brevi nōinat̄ de debito & dampnis prædictis ſatisfeciſſe potuiſſet Quæ quidem bona & catalla prædict' R. I. prædictus I. I. poſtea elongavit devaſtavit & in uſum ſuum propriū convertit & diſpoſuit. In cujus, &c.

W. S. Ar Vic'.

Alit' ſur. Elegit.

Surr. ſſ. Inquiſitio, &c. per ſacr̄m I. T. &c. proborū & legalium hominum de balliva mea qui dicunt ſuper ſacr̄m ſuum quod I. P. in dicto brevi nōinat̄ die reddic̄onis Judicii in eodem brevi ſpecificat̄ ſcil̄t̄ die Veneris proxime poſt tres ſeptiman̄ ſancti Michaelis anno regni dicti domini Regis nunc xiij. ſe t̄ fuit ac die captionis hujus inquiſitionis ſeit̄ eſt in dominico ſuo ut de feodo de & in uno Capitali Meſuagio vocat̄ Pond Hall, Ac de & in Cxl. acr̄ terr̄ prat̄ & paſtur̄ cum eodem meſuagio uſualit̄ occupat̄ cum omnibus & ſingulis

lis ſuis pertin' ſcituat jacen' & exiſten' in H. in com̃ prædicto modo vel nuper in occupatione R. S. ſive Aſſign' ſuorum clari annui valoris in omnibus exit' ultra repriſ. xl. li. Ac de & in un' al' Meſuagio cum pertin' ac lx. acr̃ terr̃ xl. acr̃ prati CC. acr̃ paſt. & x. acr̃ boſc. cum eodem Meſuagio uſualit̃ occupat̃ cũ omnibus & ſingulis ſuis pertin' ſcituat jacen' & exiſten' in W. in com̃ prædicto modo vel nuper in occupatione W. S. ſive Aſſign' ſuorum clari annui valoris in omnibus exit̃ ultra repriſ. xl.l. Et Juratores prædict' ulterius dicunt ſuper ſacr̃m ſuum quod prædict' Meſuag' ſecundo mentionat̃ ac prædict' lx. acr̃ terr̃ xl. acr̃ prati CC. acr̃ paſt. & x. acr̃ boſc̃ cum eod̃ Meſuagio uſualit̃ occupat̃ in W. prædicta ac modo vel nuper in occupatione prædict' W. S. ſive Aſſign' ſuorum ſunt vera & juſta Medietas omniũ & ſingulorum Meſuagiorum terr̃ & ten̄torum prædictorum & ſunt clari annui valoris in omnibus exit̃ ultra repriſ. xl. li. Quam quidem Medietatem ego præfat̃ Vic' p̄ r̄onabile preciũ & extent̃ prædict' R. W. generoſo in eodem br̄i prædicto ſimilit̃ nominat' die captionis hujus Inquiſitionis deliberari feci tenend̃ ſibi præfat̃ R. W. & Aſſign' ſuis juxta formam ſtatuti inde nuper edit̃ & proviſ. ut liberum ten̄tum ſuum quouſque debitum & dampna in eod̃ brevi men̄onat̃ plenarie inde levavit̃ ſecundum exigenc' iſtius brevis Et ulterius Jur̃ prædict' ſuper ſacr̃m ſuum dicunt quod prædictus I. P. nulla habet bona ſeu catalla nec habuit die redditionis Judicii prædicti nec unquam poſtea aliqua al. ſive plura terr̃ ſive tenementa

in

in Com̃ meo ad notitiam eorundem Jur̃. In cujus, &c.

W. S. Ar̃ Vic'.

Retorn' Fi' fa' cum bona & catalla defend' ad valenc' parcel. damnorum (vel debiti) per ballivum Libertatis levat' fuer'.

Pro executione iſtius brevis mihi directi fiend' mandavi ballivo Libertatis hundred' de B. in Com̃ meo qui plen' habet executionem omnium brevium & Warrant̃ executabil' infra eandem libertatem & retorn' eorundem infra quam quidem libertatem executio iſtius brevis toll̃ reſtat fiend̃ Qui quidē ballivus ſcilt̃ H.F. Ar̃ mihi reſpond̃ quod de terris & catallis infranominat̃ I. fieri fecit lx. s. de dampnis infraſcript̃ Quosquidem denar̃ corā Juſtic' infraſcript̃ ad diem & locum infracontent̃ ad reddend̃ inframinat̃ E. parat̃ habet prout interius præcipit̃ Et quod nulla habuit al' bona ſeu catalla infra libertatem prædict̃am unde reſid̃ dampnorum inframenc̃onat' vel aliquem inde denar̃ fieri facere potuit. Et ulterius Juſtic' prædictis certifico qd̃ nulla habet aliqua al' bona ſeu catalla in balliva mea unde reſid̃ dampnorum inframentionat' vel aliquem denar̃ inde ad præſens fieri facere poſſum.

W. S. Ar̃ Vic'.

Retorn' Fi.fa.cum pars bo.& Catallorum defend' jacent infra Libertatem.

Virtute iſtius brevis mihi directi fieri feci de bonis

bonis & catallis infranominat̃ R. S. xl. s. de debito & dampnis infraſcript̃ quos quidem denar̃ coram domino rege ad diem & locum infracontent̃ ad reddend̃ infranominat̃ H. B. parat̃ habeo prout interius mihi præcipit̃. Ac domino Regi ulterius certifico quod prædictus R. S. nulla al' habet bona ſeu catalla in balliva mea præter diverſa bona & catalla exiſten' infra libertatem hundred̃ de G. in com̃ meo Ac quod pro reſid̃ executionis iſtius brevis mihi directi fiend̃ Mandavi ballivo libertatis hundred̃ de G. prad̃ qui plenam habet executionem omnium brevium & warrant̃ executabilium infra eandem libertatem & retorn' eorundem infra quam quidem libertatem reſid̃ executionis brevis hujus tot̃lit' reſtat fiend̃ Qui quidem ballivus nullum dedit mihi reſponſ.

W. S. Ar̃ Vic'.

Aliter.

Virtute iſtius brevis mihi directi fieri feci de terris & catallis infranominat̃ C. D. x. li. de debito & dampnis infraſcript̃ Quos quidem denar̃ coram Juſtic' infraſcript̃ ad diem & locum infracõtent̃ ad reddend̃ infranominat̃ A. B. parat' hab' ꝓut interius mihi præcipit̃. Ac ꝓ reſid̃ executionis iſtius brevis mandavi ballivo libertatis hundred̃ de S. in com̃ meo qui plenam habet executionem omnium brevium & Warrant̃ executabilium infra eand̃ libertatem & retorn' eorundem infra quam quidem libertatem reſid̃ executionis iſtius brevis tot̃lit' reſtat̃ fiend. Qui quid̃ ballivus ſcilt̃ R. F. Ar̃ mihi reſpond̃ quod fieri

fecit

fecit de aliis bonis & catallis prædict' C. D. infra libertatem ſuam prædict' xvii. li. vj. s. viij. d. exiſten' reſid debiti & dampnorū inframenconat quos quidem denar coram Juſtic. infraſcript ad diem & locum infracontent ad reddend infranominat A. B. de reſid debiti & dampnis prædictis ſimilit parat habet prout interius præcipit.

W. S. Ar Vic'.

Retorn' hab' corp' cum cauſa cum priſonar' in Cuſtod' Ball' Libertatis ſit.

Ante adventum iſtius brevis corpus infranominat B. S. capt fuit per R. C. Ar ballivum libertatis hundred de C. in Com meo & non per me Qui quidem ballivus libertatis plenam habet executionem omnium brevium & Warrant executabilium infra eandem libertatem & retorn' eorundem ſub cuſtod cujus Ballivi libertatis idem B. S. eſt Ideo corpus ejuſdem B. S. coram Juſtic' infraſcript ad diem & locum infracontent habere non poſſum prout interius mihi præcipit'.

W. S. Ar Vic'.

Retorn' hab' corp. cum cauſa per Ballivum Libertatis.

Executio iſtius brevis patet in quadam ſchedula huic brevi annex'.

R. C. Ar Ballivus Libertatis.

Domino Regi humillime certifico quod ante advent'

advent' iſtius brevis huic ſchedule annex' corpus T. S. in eodem brevi nominat' capt' ſuit & per me detent' eſt virtute Warranti Vic' Com S. mihi directi virtute brevis dom Regis nunc ſibi directi retornabil' coram Domino Rege apud Weſtm die Veneris px. poſt Oct. ſancti Martiñ ad reſpondend R. S. de placito tranſgr Ac etiam billæ ipſius R. S. pro xx. li. ſuper oblig'.

Ac etiam virtute al' Warranti Vic' prædict' mihi direct' virtute al' brevis dicti domini Regis ſibi directi retornabil' coram Juſtic' domini regis apud Weſtm in Oct. ſancti Michaelis ad reſpondend G. S. de placito quod reddat ei xl. li. (vel de placito deb'.)

Hæ ſunt cauſæ captionis & detentionis prædict' T. S. & non al' Corpus tamen ipſius T. S. coram W. H. Mil' in eodem brevi nominat' ad diem & locum in brevi prædicto content' parat' habeo prout interius mihi præcipit'.

R. C. Ar' Ballivus Libertatis.

Nota Breve prædictum dirigend eſt Ballivo Libertatis ſed non Vic' Ac ſi breve ſit retornabile coram Domino Rege apud Weſtm, tunc ſic (viz.) Corpus tamen ipſius T. S. coram Domino Rege ad diem & locum in eodem brevi content' parat' habeo prout interius mihi præcipit'.

Retorn' habere facias poſſeſſionem cum Inquiſitione pro dampnis.

Virtute iſtius brevis mihi directi habere feci infranominat' I. H. poſſeſſionem Termini ſui adhuc

adhuc ventur̄ infraſpecificat' de & in tenīs cum pertin' infraſcript' prout interius mihi p̄cipit'. Reſid' executionis iſtius brevis patet in quadam Inquiſitione huic brevi annex'.

W. S. Ar̄ Vic'.

Northt. ſſ. Inquiſitio, &c. per ſacr̄m I. T. &c. proborum & legalium hominum de balliva mea Qui dicunt ſuper ſacr̄m ſuum quod I. H. in br̄i prædicto nōinat' ſuſtinuit dampna occaſione tranſgr̄ & ejectionis firmæ in eodem brevi mentionat' ad valentiam xx. s. ultra Miſ. & Cuſtag' ſua per ipſum circa ſectam ſuam in hac parte expenſ. Et pro miſ. & cuſtag' ſuis aſſidunt xl. s. In cujus, &c.

W. S. Ar̄ Vic'.

Retorn' Reſcuſſ. per Ballivum Libertatis.

Executio iſtius brevis patet in quadam ſchedula huic brevi annex'.

W. S. Ar̄ Vic'.

Pro executione iſtius brevis huic ſchedulæ annex' mihi directi fiend̄ mandavi Ballivo Libertatis hundred̄ de C. in com̄ meo N. qui plen' habet executionem omnium brevium & warrant' executabil' infra eandem libertatem & retorn' eorundem infra quam quidē libertatem executio iſtius brevis tot̄lit' reſtat fiend̄ Qui quidem ballivus ſcilt' A. B. Mil' mihi reſpond̄ quod virtute warranti mei warrantum ſuum in ſcriptis fecit & direxit G. W. Ballivo ſuo in hac parte ad arreſtand̄ & capiend̄ I. R. in dicto brevi nominat' ſecundū

ſecundum exigenc' ejuſdem brevis. Qui quidem G. W. ballivus ſuus virtute warranti ſui prædict' xxii. die A. anno regni domini noſtri Caroli ſecundi xxii. apud H. infra libertatem ſuam prædict' cepit & arreſtavit prædict' I. R. & ipm̃ I. R. in cuſtod' ejuſdem ballivi libertatis ea occaſione prædict' habuit & tenuit, & eundem I. R. in comunē Gaolam domini regis p̃ prædict' libertate apud L. deliberavit. Et ſic in cuſtod' dicti ballivi libertatis ut præfert̃ exiſten' detent̃ fuit, quouſque I. P. de H. in com̃ meo gen. M. P. de ead' villa vict', & ux. prædict' I. R. aggregat̃ fuer̃ ſibi quamplur̃ al. malefactores paciſque domini regis pturbatores ad numerum xiiij. perſonarum modo guerrin̄ arraiat̃, videlt̃ Sclopis, tormentis, gladiis, baculis & cultellis, & xx. die, O. anno xxii. prædict' apud L. p̃d' infra libertatem prædict' int̃ horas xi. & xii. ejuſdem diei prædict' gaolam dicti domini regis routoſe, riotoſe & illicite fregerunt & intraver̃, & in quendam L. M. adtunc & ibm̃ cuſtod' gaolæ prædict' exiſten' vi & armis routoſe, riotoſe & illicite inſult̃ fecer̃, & ipm̃ verberaver̃, vulneraver̃ & maletract aver̃, ita quod de vita ejuſdem L. M. deſperabat̃, & corpus prædict' I. R. adtunc & ibm̃ ſic ut præfert̃ cōmiſſ. & detent̃ exiſten' extra cuſtod' dicti ballivi libertatis ex gaol' prædict' adtunc & ibm̃ vi & armis, &c. routoſe, riotoſe & illicite ceperunt & reſcuſſer̃, & ſui juris ad largum contra voluntatem dicti cuſtodis gaolæ prædict' ire p̃miſer̃. Et prædictus I. R. extra cuſtod' dicti ballivi libertatis, ſic ut præfert̃ cōmiſſ. & detent̃ exiſten', ſeipſum vi & armis contra voluntatem dicti cuſtodis gaolæ prædict'

adtunc & ibm̃ reſcuſſit, in magnam pacis domini regis ꝓturbationem & populi terrorem, ac in malum & ꝓnicioſum exemplum omnium aliorum in tali caſu delinquen', & contra pacem domini regis, coron' & dignitat̃ ſuas. Et poſtea prædict' I. R. non fuit inven̄t in balliva mea.

W. S. Aꝝ Vic'.

Aliter.

Executio iſtius brevis patet in quadam Scedula huic brevi annex'.

W. S. Aꝝ Vic'.

Pro executione iſtius brevis huic ſcedulæ annex' mihi direct̄i fiend̄ mandavi ballivo libertatis hundred̄ de C. in com̃ meo N. qui plenam habet executionem omnium brevium & warrant̄, &c. ꝓut in le retorn' ultimo menc̄onat̄. Qui quidem ballivus, ſcil. I. M. Mil. mihi reſpond̄, quod virtute warranti mei & officii ſui warrantum ſuū in ſcriptis fecit & direxit M. H. & I. R. ballivis ſuis in hac vice fieri fac̄ de terris & catallis T. S. in brevi prædicto nominat. tam quoddam debm̃ C. li. quam xl. s. ꝓ dampnis in eodem brevi mentionat. Qui quidem ballivi, ballivi libertatis prædict', viij. die M. anno regni domini regis nunc xxv. in Shopam dicti T. S. in B. in com̃ meo N. ac infra libertatem prædictam pacifice intraver̄ ad fieri facied̄ de terris & catallis prædict' T.S. debm̃ & dampna prædict', & poſſeſſionat' fuer̄ de diverſis bonis & catallis ejuſdem T.S. ad valenc̄ x.li. de debō & dampnis prædict', & proſecut. fuer. in ulteriore executione dicti warranti

warranti dicti ballivi libertatis prædict' in ſeſe poſſidend diverſorum aliorum bonorum & catallorum ad valenc reſid debti & dampnorum prædict', quouſque L. M. de iB. prædict' & M. ux' prædict' T.S. & diverſæ aliæ ꝑſonæ ad numerum octo perſonarum eiſdem ballivis ignot. vi & armis, videl' baculis, gladiis, tormentis & cultellis, adtunc & ibm riotoſe, routoſe & illicite in ipſos ballivos balliv' libertatis prædict' inſult. fecer, & ipſos verberaver. vulneraver. & maletractaver. ita quod de vita eorum deſperabat'; ac violent. contra voluntat. prædictorum ballivorum balliv' libertatis prædict' omnia bona & catalla prædict' extra manus & poſſeſſionem eorundem ballivorum balliv' libertatis prædict' reſcuſſer. ac bona & catalla illa ad loca eiſdem ballivis incognit. aſportaver. ac ipſos ballivos ab ulteriore executione prædict' warranti balliv' libertatis prædict' penitus excluſer'. Et poſtea prædict' T. S. nulla habuit nec habet bona ſeu catalla in balliva mea unde debm & dampna prædict' vel aliquem inde denar. fieri fac poſſum.

W. S. Ar. Vic'.

Retorn' de Extent cum terr. fuer. in man' dom' nuper Regis Caroli primi ratione cur. ſuæ Wardorum & Liberationum.

Juſtic domini Regis infraſcript. humillime certifico, quod terr & tenit' quæ fuer. infranominat. F. B. die & anno infraſcript', de quibus judicium de debito & dampn. infraſpecificat. reddit. fuit, ſunt & adhuc exiſtunt in man. dicti do-

mini regis in cur̄ Ward & Liberation̄, ratione R. B. gen̄ tenens terr̄ & tentor̄ prædict' nondum prosecut̄ est liberationem suam de terr̄ & ten̄t prædict' in cur̄ Wardor̄ & Liberationum prædict'. Ideo ad executionē istius brevis ꝓcedere non possum, prout interius mihi præcipit̄.

W. S. Ar̄ Vic'.

Retorn' Rescous.

Virtute istius brevis mihi direct' & huic scedul' annex' quoddam warrantum meum in scriptis feci & direxi I. W. ballivo meo in hac parte ad arrestand & capiend W. H. in dicto brevi nominat̄ secūdum exigenc̄ ejusdem brevis. Qui quidem I. W. ballivus meus virtute warranti mei prædict' xxii. die A. anno regni dn̄i nostri Caroli secundi infrascript̄ xxvi. apud H. in com̄ meo S. cepit & arrestavit prædict' W. H. & ipm̄ W. H. in custod mea occasione præd adtunc & ibm̄ habuit & tenuit. Et sic in custod mea adtunc & ibm̄ existen̄, postea, scil. eisdem die & anno, quidam E. C. de H. in com̄ præd yeoman, W. B. de eisdem villa & com̄ yeoman, S. H. de villa & com̄ prædict' laborer, A. C. de villa & com̄ prædict' yeoman, & L. L. de H. in com̄ præd linnen weaver, adtunc & ibm̄ vi & armis, videl̄t baculis, gladiis & cultellis, in prædict' ballivum meum adtunc & ibm̄ insult̄ fecer̄, & ipm̄ verberaver̄, vulneraver̄ & maletractaver̄, ita quod de vita ejus desperabat̄. Et prædict' E. C. W. B. S. H. A. C. & L. L. præfat̄ W. H. extra custod meam à dicto ballivo meo contra volun-

voluntatem ejuſdem ballivi mei adtunc & ibm̃ vi & armis ceper̃ & reſcuſſer̃, & ſui juris ad lagum ire permiſer̃. Ac idem W. H. ſeipſum extra cuſtod̃ meā à dicto ballivo meo contra voluntatem ejuſdem ballivi adtunc & ibm̃ vi & armis ſimil' reſcuſſit, contra pacẽ dicti domini regis. Et poſtea idem W. H. non eſt invent̃ in balliva mea.

W. S. Ar̃ Vic'.

Retorn' Scir' fac' verſus terr'tenen'.

Virtute iſtius brevis mihi directi per H. W. & M. R. probos & legales homines de balliva mea ſcir̃ feci E. W. generoſ. filio & hæredi infranominat̃ R. W. modo defunct', terr̃tenen̄ unius Meſuagii cum pertiñ vocat̃ Rokewoods in C. in com̃ meo Northt̃, xx. acr̃ terr̃, vi. acr̃ prati, vij. acr̃ paſt. & x. acr̃ boſci cũ pertiñ in C. præd̃ eidem Meſuagio ſpectañ ſive pertiñ ac ufualit̃ occupat̃, modo vel nuper in occupacone R. M. ſive Aſſign̄ ſuor̃, quæ fuer̃ terr̃ & tenementa prædict' R. W. in feod̃ ſimplici tempore reddicõnis Judicii inframencõnat̃ & poſtea, ita quod ſit coram Juſtic̃ dom̃ regis ad diem & locum infracontent̃, ad oſtendend̃ ſi quid, &c. prout interius mihi præcipit̃. Et ulterius Juſtic̃ prædict' certificc, quod non ſunt aliqui alii terr̃tenentes nec aliquis alius terr̃tenens eſt aliquarum aliarum terrarum ſive tentorum quæ fuer̃ præd̃ R. W. præd̃ tẽpore reddicõnis Judicii p̄d̃ ſeu poſtea in com̃ meo cui vel quibus ſcir̃ facere potui.

W. S. Ar̃ Vic'.

Retorn' brevis original' in debito.

Pleg. de prof. { Johēs Doo, & Rich' Roo.

Infranominat̄ A. B. nichil habet in balliva mea per quod ſum̄ poteſt.

W. S. Aŕ Vic'.

Retorn' original' in tranſgr'.

Pleg. de prof. { Johēs Doo, & Rich' Roo.

Infranominat̄ A. B. nichil habet in balliva mea per quod attach. poteſt.

W. S. Aŕ Vic'.

Retorn' original' verſus hæred'.

Pleg. de prof. { Johēs Doo, & Rich' Roo.

Sum̄ infranominat̄ { A. B. S. T. R. F.

W. S. Aŕ Vic'.

Retorn'

Retorn' Cepi corpus ſur capias.

Virtute iſtius brevis mihi directi cepi corpus infranominat. C. G. cujus corpus coram Juſtic̃ infraſcript. ad diem & locum infracontent. parat. habeo, prout interius mihi præcipit'.

W. S. Ar̃ Vic'.

Retorn' Hab. corp. ſuperinde.

Juſtic̃ infraſcript. certifico, quod corpus infranominat. C. G. coram Juſtic̃ infraſcript. ad diem & locum infracontent. adhuc parat. habeo, prout interius mihi præcipit'.

W. S. Ar̃ Vic'.

Aliter ſuperinde.

Juſtic̃ infraſcript. certifico, quod corpus infranominat. C. G. non fuit capt. p̄ me, ſed per I. W. Arm̃ nuper vic̃ com̃ mei Northt' prædeceſſorem meum. Ideo corpus ejus coram Juſtic̃ infraſcript. ad diem & locum infracontent. habere non poſſum.

W. S. Ar̃ Vic'.

Diſtring. ſuperinde.

Manucaptores infranōinat. I. W. { J. Doo. & R. Roo.

Exit. ——— x. s.

W. S. Ar̃ Vic'.

Retorn' Distring' in Scaccario.

Baronibus infrascript. certifico, quod nulli sunt Executores sive Administr̄ nec occupat̄ bonorum & catallorum vel hæred̄ seu terr̄tenen̄ infranominat. A. B. in balliva mea quos aliquo modo distringere possum.

W. S. Ar̄ Vic'.

Al' Retorn' Distring' ibidem.

Infranominat. C. D. nichil habet in balliva mea per quod distringi potest.

W. S. Ar̄ Vic'.

Al' Retorn' Distring. ibm'.

Manucaptores infranominat. E. F. { Jo. Doo, & R. Roo.

Exit. ——————————x. s.

W. S. Ar̄ Vic'.

Retorn' Special' de Quare impedit.

Virtute istius brevis mihi directi vi. die N. anno cepi in man̄ domini regis tenementa infrascript' cum pertin', & eisdem die & anno scir̄ feci tam F. G. Mil' Capital' domino immediat' feod̄ tenementorum infrascript' quam infranominat' H. I. per I. B. & H. D. probos & legales homines de balliva mea, quod sint coram Justic̄ infrascript' ad diem & locum infracōtent' audi-

auditur̄ recogn' infraſcript', prout interius mihi præcipit'. Et ulterius Juſtic̄ prædict' certifico, quod non eſt alius capitalis dominus feod̄ illius mediate nec imediate int' dom̄ regem & prædict' F. G. cui ſcir̄ fac̄ poſſum.

W. S. Ar̄ Vic'.

Retorn' de Recordari facias.

Virtute, &c. Recordari feci loquel' quæ eſt in com̄ meo ſine brevi dom̄ regis int' partes infraſcript' de placito tranſgr̄ ſuper caſum; & Record̄ illud habeo coram Juſtic' infraſcript' ad diem & locum infracontent' ſub ſigillo meo & ſigillis A. B. &c. quatuor legalium Militum de com̄ meo ex illis qui Recordo ill. interfuer̄, put patet in quadam ſcedula huic brevi annex'.

Ad com̄ meum tent' apud B. in com̄ prædict' tali die & anno coram H. B. &c. quatuor ſectatoribus cur' illius. Northt. ſſ. Scedula.

I. D. querit. de I. G. de placito tranſgr' ſuper caſum. Loqu. ſſ.

W. S. Ar' Vic'.

Retorn' ſpecial' de Accedas ad Curiam.

Virtute iſtius brevis mihi directi, aſſumptis mecum quatuor diſcret' & legal' hominibus de com̄ meo Northt', acceſſi ad cur' hundred̄ unde interius fuit mentio tent' apud G. primo die I. anno Et in pleno hundred̄ illo loquelam unde ſcil' interius fit menc̄o recordari volui. Et D. G. Seneſchallus ibm̄ adtunc & ibm̄ in plena cur' ſedens (viſo & audit' brevi præd') libros

libros ſuos loquelam prædict' tangen' immediate clauſit, & ab hundred illo una cum libris illis & ſectatoribus ejuſdem hundred adtunc & ibm̃ exiſten' aſſumpſit ſecũ & indilate receſſit, & præceptum domini regis in iſto brevi ſpecificat. adtunc & ibm̃ fieri executum omnino denegavit & contdixit, per quod executionem iſtius brevis ad præſens fac̃ non poſſum.

W. S. Aꝝ Vic'.

Ad inquir' dampna in dote ubi tenens obiit ſeiſit'.

Executio iſtius brevis patet in quadam Inquiſitione huic brevi annex'.

W. S. Aꝝ Vic'.

Northt. ſſ. Inquiſitio indentat̃, &c. Qui dicunt ſuper ſacramentum ſuum, quod I. C. in brevi huic Inquiſition' annex' nominat̃ vii. die Junii anno, &c. apud W. in com̃ prædict' obiit ſeiſitus in dominico ſuo ut de feodo de & in ten̄tis in eodem brevi mentionat̃; & quod eadem ten̄ta ſunt clari annui valoris in omnibus exit' ultra repriſ. xl. s. ac quod quinque anni delabunt̃ à tempore mortis præd̃ I. C. Et quod I. S. in prædict' brevi ſimil' nominat̃ ſuſtinuit dampna occaſione dotis ſuæ in eodem brevi ſpecificat̃ ad valenc' viij. li. In cujus, &c.

W. S. Aꝝ Vic'.

Brevis eligend' Burg' Parliamenti.

Virtute iſtius brevis mihi directi ad proximũ com̃ meum Northt̃ poſt receptionem ejuſdem brevis

brevis tenᵗ apud N. in comᵐ prædictᵗ viij die M. anno, &c. in pleno comᵐ illo proclamᵐ feci omnia in brevi illo contenᵗ ſecundum formam & effectum hujus brevis. Reſiduum executionis iſtius brevis patet in quadam Indenturᵉ huic brevi annexᵗ. The Indenture the Burgeſſes deliver to the Sheriffs.

W. S. Aʳ Vicᵗ.

Brevis deliberatᵗ poſt extentᵐ ſur Statutᵗ Staple.

Virtute, &c. liberavi infranominatᵗ A. B. manerᵉ, meſuagᵗ, terrᵉ & tenta inframentionatᵗ, tenendᵃ ſibi & Aſſignᵗ ſuis ut libᵐ tenᵗum ſuum quouſque ſibi de debito infraſcriptᵗ una cum dampnis, miſis & expenſᵗ ſuis circa ſectam ſuam in hac parte plenaʳ fuit ſatisfactᵗ, prout interius mihi præcipitur.

W. S. Aʳ Vicᵗ.

De Homine replegiandᵗ.

Juſticᵗ domini regis infraſcriptᵗ humillime certifico, quod nullum aliud breve vel mandatᵗ domini regis de repleg. infranominatᵗ I. K. quem infranominatᵗ C. D. cepit & tenet, prout interius ſpecificatᵗ eſt, quam iſtud breve ad man. meas devenit nec mihi deliberatᵗ: tamen Juſticᵗ prædictis ulterius certifico, quod ſtatim poſt receptionem ejuſdem brevis acceſſi ad prædictᵗ C. D. de repleg. faciendᵃ prædictᵗ I. K. quem prædictᵗ C. mihi oſtendere noluit, ſed prædictum I. ante adventum iſtius brevis ad loca mihi incognita elongavit; & poſtea non eſt inventᵗ in balliva mea, ſic quod aliquam repleg' ipſius I. juxta mandatᵗ

mandat̃ hujus brevis ullo modo fac' non potui, prout interius mihi præcipit̃.

W. S. Aŕ Vic'.

Vel brevit' ſic.

Juſtic', &c. certifico, quod nullum aliud breve præt' iſtud de replegiand̃ infranom̃ I. K. ad manus meas hactenus devenit. Et præterea Juſtic' præd̃ certifico, quod prædict' I. K. elongat̃ eſt ad loca mihi incognita per infranominat̃ C. D. per quod prædict' I. K. repleg. non poſſum, prout interius mihi præcipitur.

W. S. Aŕ Vic'.

De Partitione.

Northt. ſſ. Virtute brevis domini regis mihi directi, & huic Partitionis Inquiſitioni indendat̃ annex', xx. die Junii anno, &c. ego W. S. Aŕ Vic' com̃ prædict', aſſumptis mecum I. A. I. G. &c. (ad numerum xii.) liberis & legalibus hominibus de balliva mea de viſn̄ de H. in brevi prædicto mentionat̃, acceſſi ad ten̄ta in brevi prædicto ſpecificat̃, & in præſentia F. G. in eodem brevi nominat̃ ibm̄ per eorum ſacrm̄ (ad verum valorem eorundem ten̄torum cum pertin' reſpectu habito) eadem ten̄ta in partitionem in tres partes æquales partiri feci: & unam partem earundem trium partium, viz. decem acr̃ terr̃ & ſex acr̃ paſtur̃ jacen' in H. prædict' inter regiam viam ex parte Orientali, & alias duas partes tenemẽtorũ prædict' ex parte Occidentali, & abuttan' ſuper communem paſtur̃ de H. prædict' verſus

ſus Auſtrum, ego præfat̃ Vic' prædict' xx. die Junii eaſdem x. acr̃ terr̃ & vi. acr̃ paſtur̃ deliberari & aſſignari feci prædict' F. G. tenend̃ ei in ſeperalitate per metas & bundas prædict' ſecund̃ formam & effectum brevis prædict': & quoad duas partes reſiduum tenementorũ prædict' in brevi prædict' mentionat̃ Juſtic' in eodem brevi ſpecificat̃ certifico, quod nullus ex parte T. K. in brevi præd̃ ſimil' nominat̃ venit ad recipiend̃ de me præfat Vic' eaſdem duas partes prædict', ita quod duas partes illas præfat. T. K. liberare & aſſignare non potui, prout breve prædict' in ſe exigit & requirit. In cujus rei teſtimon. tam ego præfat' Vic' quam præfat' xii. Juratores huic Partitionis Inquiſitioni indentat' ſigilla noſtra ſeperal' appoſuimus eiſdẽ die & an. ſupradictis.

W. S. Aꝛ̃ Vic'.

Retorn' Proclamationis in Cancellar'.

Virtute, &c. publice proclam̃ feci per totam ballivam meam tam infra libertates quam extra, quod infranominat. F. G. ſub pena legianciæ ſuæ compareat coram domino rege ad diem & locum infracontent. prout interius mihi præcipit'. Ac domino regi ulterius certifico, quod non eſt invent. in balliva.

W. S. Aꝛ̃ Vic'.

Scir' fac' ad audiend' Record'.

Virtute, &c. per A. B. & C. D. probos & egales homines de balliva mea ſcire feci S. T. quod

quod ſit coram domino rege ad diem & locum infracontent. ad audiend̄ Record̄ & proceſſum unde interius fit mentio, & ad ulterius faciend̄ & recipiend̄ omnia & ſingula prout iſtud breve in ſe exigit & requirit.

W. S. Ar̄ Vic'.

De Venditioni expon' cum averia remān' in manibus prioris Vic' & præſenti Vic' non deliberat'.

Baronibus infraſcript. certifico, quod averia ill. infraſpecificat' venditioni exponere non potui, eo quod adhuc remanent in man. I.C. Ar̄ nuper Vic' cōm̄ mei North.' prædeceſſor̄ mei, & nunquam mihi E. G. Ar̄ modo Vic' nec adhuc p̄ præfat. nuper Vic' deliberat. fuer̄.

W. S. Ar̄ Vic'.

De retorn. habend'.

Pleg. de proſ. { Johēs Doo, & Rich. Roo.

Virtute, &c. retorn' feci infranominat. I.P. illa averia I. G. infranominat. quæ eidē I. P. adjudicat. fuer̄ ob defectum ipſius I. G. ſalvo & ſecur̄ cuſtodiend̄, ita quod ea præfat. I. G. ad querimoniam ipſius I. G. nullo modo deliberent' ſine brevi dom̄ regis quod de præfat. Judicio expreſſā facit mentionē, juxta formā hujus br̄is.

W. S. Ar̄ Vic'.

Retorn'

Retorn' Capias in Withernam.

Virtute, &c. cepi duas vaccas de averiis infranominat' G. T. quas deliberari feci infranominat' B. H. ſalvo & ſecure cuſtodiend', quouſque alia averia infraſpecificat' ipſius B. H. prius capt' & ad loca mihi ignot' tranſmiſſa deliberar' poſſ', prout interius mihi præcipit'.

W. S. Ar' Vic'.

Retorn' de Supplicavit.

Ego W. S. Ar' Vic'. com' infraſcript' domino regi in Cancellaria ſua certifico, quod ante adventum iſtius brevis B. G. infranominat' capt' fuit in balliva mea, & in priſona dom' regis ibm' ſub cuſtod' mea detet', virtute prioris brevis dom' regis mihi directi & huic brevi annex'. Ac ante adventum iſtius brevis præfat' B. G. invenit mihi ſufficientem ſecuritatem, viz. A. B. C. D. E. F. & B. G. qui manuceperunt, & quilibet eorum p ſe manucepit, pro præfato B. G. ſub pœna xx. li. quod ipſe dampnum vel malum aliquod H. F. in dicto priore brevi nominat' (infra talem diem p x. futur') no faciet, nec fieri procurabit quoviſmodo. Quas quidem xx. li. præfat' manucaptores conceſſerunt, & quilibet eor' p ſe conceſſit, de terris & catallis ſuis & cujuſlibet eor' ad opus dict' dom' regis levari, ſi dampn. vel malum aliquod eidem H. F. per præfat' B. G. aut per p curation' ſua' interim eveniat ullo modo, &c. Et hæc eſt ſecuritas pacis quæ p'fat' B. G. coram me invenit. Ideo corpus p'fat' B. G. cora' dom' reg. ad die' & locu' infracontent' habere non poſſum.

W. S. Ar' Vic'.

Retorn

Retorn' Pone in Cur' Com'.

Virtute, &c. posui coram Justic' infrascript̄ ad diem & locum infracontent̄ loquelam quæ est in com̄ meo per breve dicti domini regis, prout patet in quadam scedula huic brevi annex'.

W. S. Ar̄ Vic'.

Northt. ſſ. Scedula. Ad Com̄ meum tent̄ apud N. in com̄ prædicto (tali die & anno) coram A. B. & C. D. sectatoribus cur̄.

Loqu. ſſ. E. F. querit̄ versus G. H. de placito debiti: & sunt pleg. de pros. scilicet I. Doo, & R. Roo. In cujus rei testimon. I. K. L. M. N. O. & P. Q. quatuor legales homines ex illis qui record̄ ill. interfuer̄, in plena cur̄ ill. huic scedulæ sigilla sua alt̄natim apposuer̄ die & anno supradictis.

W. S. Ar̄ Vic'.

Retorn' brevis de Falso judicio cum Record' non deliberat' est.

Virtute, &c. in forma infrascript. accessi ad cur̄ E. tent. apud N. (tali die & anno) & sectator̄ ejusdem cur̄ & I. K. seneschallum ibm̄ petii Recordum Loquelæ quæ est in eadem cur̄ int. partes infrascript. de placito inframentionat. mihi liberari. Qui quidem Seneschallus & sectatores Recordum illud inde mihi liberare noluer̄; ob quod executionem dicti brevis minime facere potui.

W. S. Ar̄ Vic'.

THE

THE MANNER and FORM How to keep a COURT-LEET, OR A LAW-DAY,

With all things thereunto appertaining, as followeth.

The Third Book.

First the Steward must make his præcept to warn the Court thus.

I. W. generosus Seneschal' R. T. milit̃ manerii sive hundred̃ sui de A. ballivo ejusdem manerii salut̃. Tibi mando, quod diligent̃ præmoniri fac' curiam vis. Franc' Pleg. maner̃ præd̃ tenend̃ xx. die Octob. prox. sequen̄ circa horam nonam ante meridiem ejusdem diei ad locum Alton Westbrake,

consuet. Dat' sub sigillo meo vicesimo die Septemb. ann, &c.

Per me I. W. Senesc. ibid.

Then enter the Court.

ss. Vis. Franc' Pleg. cum cur T. mil' ibidem tent' die Jovis, viz. vicesimo die Octobr anno regni dni nostri Jacobi Dei gratia Ang' Franc' & Hibern regis, fidei defens. &c. viz. Ang' Franc' & Hibern x. & Scot' xlvi. p I. W. Senesc' ibid.

Then cause the Bailiff to make three Proclamations, and say after the Steward thus:

All manner of persons which are resiants or dozeners, and owe suit-royall to this Court, Leet or Law-day, come in and doe your suit, and answer to your names as you shall be called, every man at the first call, upon pain and perill that shall fall thereon.

Then call the free suitors and dozeners one after another thus:

I. G. Gent. come into the court, and doe your suit and service, or else you will be amerced. And when you have called them, all those which made default, mark them over the head thus, Laurentius Gaole, in misericordia ij. d. And when all the free suitors be called, you you must write thus, Sunt lib. tenen' hujus maner & debent sect' ad hanc Cur & fecer default', id quilibet eorum in miser prout patet super eorum capit'.

Then the Steward must cause the Bailiffs to make 3 Proclamations, and then to say thus. And if any man will be essoined, let him

him come in, and he shall be received; and all such persons as were essoined the last court, let them come now in & warrant their essoins, or else they will be amerced both for this Court and also for the last, that is, they must appear, and not be again essoined; for if that be suffered, it will hinder the service. And if any desire to be essoined by their Tithing-man or other neighbour, then for the first Court they may be essoined, and their essoines must be entred as they are in the Hundred court in this book.

Then let the Bailiff say after the Steward, If any man will enter any plaints, let them come forth, and they shall be heard.

Then if any come to have any plaints entred, then enter them as they are entred in the Hundred courts, and if need be, those declarations and pleadings will serve here.

Then call the tithingman of every tithing with his tithing, and demand of him if his whole tithing be there or no, and ask him what Law-day or Hundred-silver he hath brought: this done, receive this money, and swear him thus.

The Tithing-man's Oath.

You shall swear, that you shall make true inquiry, and the same present, of all such articles and things as shall be given you in charge concerning the Kings Majesty, and the Lord of this Leet or Law-day, wherein you shall no concealment make, you shall spare no-

thing meet to be presented within your tithing for love, favour, affection, or corruption, neither shall you present any thing for malice, hatred, or envy; but according as the truth of things have, may, or shall come to your knowledge, by information or otherwise, so shall you make thereof a true presentment without concealment. So help you God, &c.

Then call the whole tithing by name, and swear them thus.

The same Oath which A. B. your tithingman hath on his part taken before you and every of you, you shall for your parts observe, perform and keep in every article and thing which shall be given you in charge at the Leet: so help you God and the contents of this Book.

Then call the Constables of the Hundred, if there be any there, and swear them thus.

You shall swear, that you shall make due inquiry, and the same present, of all such articles & things as shall be given you in charge, and of all and every such thing and things which are, shall, or may come to your knowledge meet to be presented at this Court concerning your office; wherein you shall spare no man for love, fear, favour, affection, or corruption, neither shall you present any man for malice, hatred, or envy; so shall you make both a just and a true presentment thereof without concealment. So help you God and the contents of this Book.

In like manner you shall swear Ale-tasters, Heywards, and other officers, if any such be

answe-

answerable, or ought to appear there, according to their particular offices.

Then call to the Bailiff for the names of the Jury, and bid him return them in writing, whereof must be 24. which return made and delivered, bid the Bailiff make an O-yes, and say after you thus:

You good men that be returned to inquire for our Soveraign Lord the King, and the Lord of this Leet or Law-day, answer to your names as you shall be called, every man at the first call, upon pain of amerciament.

Then call the Jurors severally by name as they be returned, and prick them openly which appear, and none else; and when 14 or 15 or more have appeared, then call the foreman to the Book, and swear him thus.

The Foreman's Oath.

You shall duly inquire and true presentment make of all such articles and things as shall be given you in charge, the Kings Majesties counsell, your fellows and your own you shall well and truly keep, and not disclose the same, but here in Court you shall present the truth, and nothing but the truth: so help you God and the contents of this book. And then let him kisse the Book to affirm his oath.

Then call the rest of the Jury by 3 or 4 at once, and swear them thus:

Also such oath as A. B. your foreman hath taken before you on his part, you and every one of you shall well and truly observe and keep

on your part: so God ye help, and the contents of this book.'

And note that the Steward may impannell any stranger, if there want to make xij. of the Jury, because it is for the service of the King: for a presentment made by fewer then by xij. is traversable.

Jo. Doo.			Jo. Hye.		
R. Roo.			Jo. Pye.		
Jo. Den.			Jo. Miles.		
Wil. Fen.	Jur		Th. Giles.	Jur.	
Wal. Neat.			Ri. Cook, &		
Jo. Feat.			Th. Snook.		

Then count them.

This done, then command the Bailiffe to make Proclamation, and say thus after the Steward: You good men that be impannelled to inquire for our Sovereign Lord the King, & for the Lord of this Leet or Law-day, draw near and hear your charge, and the Court commandeth all others to keep silence whilest the charge is given, upon pain of imprisonment.

An exhortation to the Jury before the charge.

My masters, you that be sworn, before I enter to give you your charge, I shall exhort you in the fear of God, first of all to remember your duties to Almighty God, next to the Kings Majesty, and lastly to the Lord of this Leet or Law-day, and therein to have a speciall regard for the good of the commonwealth,

wealth, here within the precinct of the Leet or Law-day. God delivered with his servant Moses in the Mount Sinai ten Laws or Commandements, which are divided into 2. Tables: the four first, which are the first Table, do teach us our duties to God; the other six, which are the second Table, do teach us our duties one towards another. As the body of Man is subject to many sicknesses and diseases, so a kingdome is subject to many mischiefs and inconveniences: and as the one is often curable by physick, so the other is to be redressed and reformed by the due execution of Laws, which are as the sinews of the Commonwealth, to keep it in good order; & the execution of the Law is the life of the Law, otherwise it is but as a dead thing: and therefore good Rulers and Magistrates are said to be as fostering Fathers and Mothers to the Commonwealth, as well as natural parents are to their own children; and the subject that honoureth his Prince, the child that honoureth his parents, and the servant that honoureth his or her master or mistresse, ought to honour them of duty in singlenesse of heart, and not for fear of punishment, or hope of reward. By the ancient Laws of this Realm, this our kingdome of England is an absolute Empire & Monarchy, consisting of a head, and of a body politick, compact and compound of many members, all which are divided into two generall parts, viz. the Clergie and the Laity; both which, next and immediately under God, ought to be subject and obedient to the King their head; for

he is their head, and they are his members, and he is ordained to this end and purpose, to govern his kingdoms and people, and especially the holy Church, and to defend the same from all errors, and from all works of mischief and iniquity, and to root out all malefactors which do disturb the Peace of the Commonwealth, by the due execution of the Laws and Statutes which are made to that end and purpose. All which he hath committed to his Judges and Justices, and other officers, as it is very meet and convenient he should, because they are his substitutes for the well governing of this kingdom. And I must tell you that these Leets and Law-days are very ancient Laws, and they were the first Laws that ever were used here in England, and they were ordained for two causes. The one was, that the King might understand by his Steward upon the view of such persons as appeared before him, how many able men there were within the precinct of every Law-day to do him service in his warrs if need should require: for we must understand, that at that time all Leets and Law-days were in the Kings hand, and at this day no man can keep a Law-day, but either by the Kings special grant, or else by title of prescription, which first began by the Kings grant. And the other cause was, for the administration of Justice to the inhabitants within the precinct of every Leet or Law-day. For before the beginning of these Leets or Law-days, there was no Law used, no, nor no Justice ministred, but all onely before the King himself, and where-

wheresoever he was, there was the Law used, and Justice ministred, and in no place else: and then by reason of the great numbers of suitors which resorted to the Court for Law and Justice, oftentimes sicknesses diseases were brought thither, which did endanger the Kings person; and also by reason of the multitude of suits which were there depending, it was long ere matters could be heard and determined, and very troublesome and chargeable to suitors to repair so far, and stay so long for Justice. For remedy whereof, this Realm was then divided into Counties, and so into Hundreds, Ridings, Lathes, Leets, and Wapentakes, which are all one in effect, though they differ in name according to the Custome of every Countrey. And there is no man living within this Realm, but he is resident and abiding within the precinct of some one of these, and there he ought to appear twice every year, if he be not otherwise priviledged by his place or office: and if any wrong be done unto any man under the value of forty shillings, there he ought to have redresse, and not else-where. Then these Laws were afterwards confirmed by the Statute of Marlebridge cap. 38. before the making of which Statute, a Lord of a Leet or Law-day might have kept as many Leets or Law-days in a year as he would, and as few. But by that Statute men were limited and appointed to keep but 2 every year, videlicet, one within a month of Easter, and the other within a month of Michaelmas. And afterwards, because men were of sundry opinions,

ons, what things were inquirable at Leets or Law-days, and what were not, there was another Statute-law made in the seventeenth year of E. 2. by which it appeareth what things are inquirable at a Leet or Law-day, and what are not; and sithence that time there have been divers other Statutes made, whereby divers other articles are inquirable at Leets or Law-days, which before the making of the Statutes were not. Now therefore considering that these Leets or Law-days were first ordained for the causes already delivered by me unto you, considering also that the redresse of all wrongs, & the punishment of all offendors, were within the precinct of this Leet or Law-day, resteth in you who are here especially elected, sworn & put in trust, as the most meetest & worthiest men within the precinct of this Court for that service, it therefore behoveth you to have a speciall regard to your oaths therein, that you may the better perform the trust which is reposed in you; for now it is your parts and duties to try right from wrong, and truth from falshood, and to punish offendors, and to defend the innocent. The Prophet Jeremie teacheth you a good lesson, and that is this, Jurabis, saith he, in veritate, in judicio & in justitia, & amovete amorem & timorem, odium & spem, that is, you must swear in truth, judgement and justice, not regarding the substance, authority or power of a rich man, nor the imbecillity or poverty of a poor man; but rather you must follow the rule of that wise Philosopher Plato, who saith thus, that Justum est judicium,

Judicium, ubi non persona, sed opera considerantur, that is a right wise judgement, where the person of a man is not regarded, but his offence. Et ex cordibus vestris omnem affectionem expellite, & memores estote quantas minas Deus instituit pro Juramenti violati. You must, if you would doe as you ought to doe, remove all affection out of your minds, and call to remembrance what threatnings God hath layed upon such as have violated their oaths: for it is written in the 14. chapter of Leviticus thus, Qui blasphemat nomen dom̃, morte morietur, that is, He that blaspheméth the name of God shall die the death; and in the fifth chapter of the Acts of the Apostles it was said to Ananias and Sapphira, Non vives, quia locutus es mendac. & confestim occisi fuerunt pro mendac. in vendend Agr̃, that is, it was told them that they should not live any longer, because they had dealt deceitfully, and made a lie to colour their deceit in selling of a field; and they were presently slain for it. If God did then so punish them for making of a lie, which thing is so common now-adays, what will he doe to them which do not stick to lie and wilfully forswear themselves? Therefore it behoves us to beware, and to learn to be warned by other mens harms, lest we fall into the like judgement of God our selves. In doing well, and performing your duties in this service which you are to take in hand, you shall not onely please God therein greatly, & doe the King & the Lord of this Leet good service, but you shall also doe good to your selves & to your

poste-

posterity, and therein cause the Common-wealth to flourish and increase in godlinesse and piety: but on the contrary part, if you shall be remisse and careleſſe in doing of your duties, therein you shall not only offend God very greatly, & incurr the danger of the Kings Laws, but you shall also embolden and incourage wicked and lewd persons to continue still in their own wickednesse, and to go forward à malo ad pejus, and so to draw on sin upon sin, as it were with cart-ropes, to their utter ruine and destruction. And I would have you to know, that if I find you careleſſe and negligent in this service, I may then by the Law impannel another Jury to inquire of your concealments, the which if they shall find, then may I set such fines upon you as I shall think fit, according to the quality of your offence. But I hope that you will give me no such occasion, but rather that you will duly and truly inquire of and present all such things as I shall give you in charge.

And so I will here cease to trouble you any further by way of exhortation, and proceed as God shall inable me with your patience to the particulars of your charge.

Your charge will be somewhat long and tedious, and standeth upon many parts, but I will make it as short as I can, and reduce it into five chief heads or parts, viz.

Petite Treasons,
Felonies by Statute-law,
Felonies by the Common law,

Offences

Offences upon divers Statutes.
Laws and common annoyances.
And so of these in their order.

Petty Treason.

It is petty Treason for a woman to kill her husband, or a Clerk his Ordinary: and the punishment for these offences is death, and losse of lands and goods.

Misprision of Treason.

Next to this is misprision of Treason, and that is, when any one knows of the Treasons aforesaid, or any of them, and concealeth it twenty four hours, after knowledge thereof had. The punishment for this offence is losse of goods and chattels for ever, and of lands during life, and perpetuall imprisonment.

Felonies by Statute-Law, Rape.

Next you shall inquire of Felonies by Statute-Law, and therein first of Rapes: and that is, if any man have ravished, or had carnall knowledge of any womans body against her will, or hath stolen or carried away any widow or maid against their wills, and their friends, though it was done to the intent to marry them, yet it is felony, and the offendor therein shall suffer death, and lose his lands and goods for it. 18 Ed. 2. & 1 H. 7.

Hunters

Hunters by night.

3 H. 7. Next you shall enquire of hunters by night in any forrest, park, chase, or warren, with visards disguised, to the intent not to be known. If they be apprehended and deny it afore a Justice of Peace upon their examination, it is felony; but if they confesse it, it is then but a trespasse, and so finable.

Defacers of a mans Phisnomie.

Next you shall inquire if any man or woman hath defaced anothers phisnomie in putting wilfully his or her eyes out, or cutting out of his or her tongue: either of both is felony, and the offender shall suffer death, and lose lands and goods, 5 H. 7.

Servants imbezelling their Masters goods.

Also you shall inquire of servants which have imbezelled their masters or their mistresses goods, being put in trust therewith: if it amount to xl. s. and upwards, it is felonie, 21 H. 8. cap. 7. and the offendors shall suffer death in this case, and lose lands and goods.

Witches and Sorcerers.

Also ye shall inquire of Witches and Sorcerers: for if any of them have killed or destroyed any man, woman, or child, with Witch-

craft

craft or Sorcerie, it is in them felony, and the offendor shall lose both his lands and goods for it, 5 El.

Rebellions.

Also you shall inquire of Rebellions, Riots, and unlawfull assemblies. And that is, where persons to the number of xii. or upwards, do with force unlawfully go about to alter Laws made by Act of Parliament, or any other Laws of this Realm; and being required by the Kings officers upon Proclamation to return to their dwellings, and yet do remain together by the space of one hour after such Proclamation made, or after do attempt the like thing, it is felony, 1 Eliz. And so it is where any such number have assembled themselves together to break, or dig up, or cast down any pales, hedges, ditches, or other inclosures, or to pull up any pond-heads, conduits or pipes, to the intent to kill or destroy any Deer in any Park, Conies in any Warren, or Fish in any Fishponds; or have fired any dwelling-house, or any barn wherein any corn was laid, or any rick of corn, or ring any Bell, sound any Trumpet, or Drum, wind any Horn, fire any Beacon, or speak any rebellious words, or bring or send any money, victuall, harnesse, or weapon, to any such rebellious persons: it is felonie, and the offendors herein shall suffer death, and lose lands and goods. Also there are concealers of these offences, the which if they conceal four & twenty hours, they are to have nine moneths imprisonment, without bail or mainprise: and 1 & 5 El.

farmers

farmers and copy-holders ought to lose their farms and copy-holds if they refuse to goe to suppresse such rebellion as is aforesaid.

Felonies by the Common Law.

Next, you shall inquire of felonies by the Common Law: and that is, where any doth steal to the value of xij. d. or upwards, or doth steal any marked Swans, or their Cignet, or their eggs, or tame Deer, or rob Churches, Chappels, Pigeon-houses, or Dwelling-houses, or any upon the high-way, though he take but the worth of a penny from him, it is felony, and the offendor shall die for it, and lose his lands and goods, & so shall their accessary.

Petty Larcenie.

18 Ed. 2. Also you shall inquire of Petty Larceny; and those be such as steal pigs, geese, hens, chickens, corn out of fields, cloaths from hedges, or out of windows, rob orchards, or goe on thieves messages: the offendors herein are to have corporal punishment, and so their accessaries; but they forfeit their goods, if they have any.

Now I must tell you that all those offences which I have already spoken of unto you are but onely to be here inquired of and presented, but not here punished, but they are to be punished by the Justices of the Shire upon certificate made thereof by the Steward of a Leet or Law-day.

But

But now follow the offences which are both here to be inquired of, preſented, & puniſhed.

Affrayes and bloud-ſheds.

And therefore becauſe man is the worthieſt creature that God made, I will firſt begin to put you in remembrance of the Law made for his ſafety and preſervation. You ſhall therefore firſt inquire if any man within your inquiry have broken the Peace, or made any affray or bloudſhed: if any have offended herein, you muſt preſent him or them, and the manner of it, with what weapon, for that it is forfeit to the Lord of this Leet, and the offendor or offendors are to be fined for ſuch offence.

Hue and Cry.

Next you ſhall inquire whether hue and cry after thieves and robbers have been duly purſued and followed as they ought to have been, or no: if not, then you muſt preſent him or them which made default therein, for he forfeits 10. l.

Conſtables and Tything-men to puniſh Rogues.

Alſo you ſhall inquire how Conſtables and Tything-men have executed their offices in puniſhing of rogues, vagabonds, and ſturdy beggers which have come within their charge: for if they have been remiſſe therein, then they ought to loſe 11. s. for every default. No man

or woman may be suffered to beg by the law, nor no man or woman may give any alms, upon pain of 1. s. for every time they give.

Who are said to be Rogues.

These persons by particular are said to be by the statute rogues, viz. Procters of Spittle-houses, Patent gatherers, or Collectors for Gaols, Prisons, or Hospitals, Fencers, Bearwards, common Players of enterludes, Minstrils wandring abroad, Glasse-men, Saylers, Soldiers, Scholars, and all other idle persons which goe about begging.

Stocks in every Tything.

Also for the punishment of these offendors, you shall inquire if there be in every tything a pair of stocks, according as there ought to be by the statute, or no: if there be not, then the tything do lose b. li.

Artillery to be maintained.

33 H. 8. cap. 9. Also you shall inquire, whether every one have Bow and Arrows according to the statute, or no: for every man-child from 7. years old to 17. ought to have a Bow and two Arrows, and every man from 17. to 60. ought to have a bow and four arrows, upon pain of vi. s. viii. d. for every default; and parents ought to provide them for their children, and masters for their servants with their wages,

ges, or else they ought to undergoe the penalty thereof.

Buts in every Tything.

And also for the exercise of Archers in shooting at times convenient, there ought to be buts made in every Tything, Village, and Hamlet, or else the Tything, Village, or Hamlet ought to lose xx. s. for every three moneths wanting buts there. 33 H. 8.

Playes or Games.

Also you shall inquire if any Alehouse-keeper or other person do keep any unlawful games in his or their house or houses or elsewhere, as cards, dice, tables, loggets, quoits, bowls, or such like: in this case the house-keeper loseth for every day forty shillings, and every player vi. s. viij. d. for every time. 33 H. 8.

Also Constables ought to search monethly for such unlawfull games and disorders in alehouses upon pain of forty shillings, and they may arrest such as they find playing at unlawfull games, and commit them to ward untill they put in sureties not to play any more at any unlawfull game.

No man may play at any unlawfull game insatiably, unlesse he can dispend C. li. pan in lands, fees, or offices, for life at the least: and he may not play neither in any open place where every one that will, may see him, but in his house, or in his orchard, or garden, upon

pain of vi. s. viij. d. for every time, except in the Chriſtmas time; for then all men may play, 33 H. 8.

Shooting in Guns.

33 H. 8. cap. 6. Next you ſhall inquire of ſuch as ſhoot in hand-guns, or croſſe-bows; for no man may ſhoot in them unleſſe he can diſpend C. li. p an in lands, tenements, offices, annuities, or fees, neither may thoſe ſhoot at any Pheaſant, Partridge, Hern, Duck, Mallard, Houſe-dove, Pigeon, Wigeon, Teal, or Heath-cock, upon pain of x. li. for every ſhoot.

Alſo by another Law made 1 Jac. Reg. he that ſhoots in a gun, croſſe-bow, or long-bow at any of the fowls aforeſaid, or at any Hare or Deer, and cannot diſpend x. pound yearly in lands, nor is worth CC. pound in goods, ſhall forfeit xx. s. for every ſhoot, which ſhall be to the uſe of the poor of the Pariſh where ſuch offence is committed, if the ſame be either confeſſed, or proved by two witneſſes: or elſe if the offendor be not able to pay the ſaid penalty, or will not, then he muſt have three moneths impriſonment without bail or mainprize. But if ſuch offendor can diſpend x. li. p an or more, then he ſhall forfeit xl. s. to the uſe aforeſaid, and find ſufficient ſureties that he ſhall offend therein no more.

But by the ſame law all ſuch as have play-cards or licences, may kill Crows, Rooks, Ch[illegible]es, Pyes, Jeys, Ringdoves, and other ſmall birds for Hawks meat onely, with a gun, or otherwiſe.

Next

Next you shall inquire whether your high-waies be sufficiently amended and made passable, as they ought to be, or no; for to that end and purpose there ought to be two Supervisors chosen in every parish, between Easter and Midsomer by the Constables and Church-wardens, and there ought to be six dates appointed for amending of high-waies, eight hours every day, upon pain of xx. s. to be lost by the Supervisors. And every one that hath a Cart, ought to send two able men with it, with tools fit for that service, or else to lose ten shillings for every day wanting; and every housholder ought to find an able man for that service, or else to lose twelve pence for every day wanting. And they ought most chiefly to amend the waies leading to Market Towns, and they may gather stones in any mans ground, and also dig pits of ten yards square in any mans severall for stones and rubbish (if it be needfull) filling the same up again, without danger of Law. And they must turn springs, if they can, out of the high-waies; and trees and hedges which hang over the Kings high-waies, must be cut and shredded upon pain of x. s. for every default.

Purpresture and Assarts.

Next you shall inquire of Purprestures and Assarts, and that is, where any wall, hedge, ditch, or house is set, lebied, or abated in the Kings high-way, or any water-course stopped or turned into the high-way to hinder the pas- 18 E. 2.

sage of the Kings Subjects, or any way annoy them.

Bounds and Marks.

Also you shall inquire whether any mear-stones or stakes, bounds or marks, between this Lordship and any other, or between tenant and tenant, hath been removed since the last law-day, or before, and not set in the usuall place again; if there be any which have offended herein, you must present them.

High-waies or foot-paths stopped up.

Also if any high-waies or foot-paths to Church, Mill, or Market be stopped or hedged up, which have been accustomed to lie open, you must present him or them which shut it up, for the Kings subjects must not be stopped of their lawful passage to Church, Mill, or Market.

Common Bridges broken.

Also if any Common Bridges over common streams be broken, that by reason thereof the Kings subjects cannot passe about their affairs and businesses, you must present those which ought to make them, upon a pain.

Common Pounds broken.

And also if common pounds be broken, so that they will hold no distresse that is brought to them untill they be delivered thence by order of

of Law, you must present those which ought to make such pounds, upon a pain.

Sleepers by day, and walkers by night.

Also you shall inquire of sleepers by day, and walkers by night, to steal and purloin other mens goods and conies out of warrens, fish out of mens severall ponds or waters, hens from hen-rousts, or any other thing whatsoever, for they are ill members in a Common-wealth, and deserve punishment, therefore if you know any such, present them.

Eves-droppers.

Also you shall inquire of eves-droppers, and those are such as by night stand or lie harkening under walls or windows of other mens, to hear what is said in another mans house, to the end to set debate and dissention between neighbours, which is a very ill office, therefore if you know any such, present them.

Forestallers, Regraters, and Ingrossers.

Also you shall inquire of Forestallers, Regraters and Ingrossers, evill members in a Common-wealth.

A Forestaller is he which buyeth or causeth to be bought any victuals whatsoever going to any Fair or Market to be sold, and maketh any bargain for the buying thereof before the same be brought into the Fair or market, or

doth make any motion for the inhancing of the price of any victuals, or doth move or perswade any person coming to the Fair or Market with victuals, to absent and forbear his coming thither with any victuall to be sold there.

A Regrator is he that getteth into his hands in any Fair or Market, any Corn, Tallow, or Candles, or any dead victuall whatsoever, brought to any Fair or Market to be sold, and doth sell the same again in any Fair or Market, within four miles next adjoining thereunto.

An Ingrosser is he, or she that doth ingrosse and get into his or her hands, by buying or promise taken, other than by demise, grant, or lease, of bond or bill, of Corn growing in the fields, or any other Corn, Grain, Butter, Cheese, Fish, or any other dead victuall whatsoever, to the intent to sell the same again for profit.

Their punishment. For the first offence they ought to have two monethsimprisonment, without bail or mainprise, and forfeit the value of the goods bought and sold.

For the second offence they ought to have half a years imprisonment, and to forfeit double the value of the goods bought and sold.

And for the third offence they ought to be set upon the Pillory, and to lose all their goods and chattels, and be imprisoned during the Kings pleasure.

Cattle sold within five weeks.

Also you shall inquire of such as use to buy Cattell

Cattell and to ſell them again within five weeks, they ought to loſe double the value of their Cattell.

Of Butchers.

No Butcher ought to ſell in any open Fair or Market any other victuall than that which is good and wholeſome for mans body, and for reaſonable gains, and not at exceſſive prices.

Shoomakers.

They ought to make their Shoes & Boots of good and well tanned Leather, and well liquoured, curried, and ſowed, to keep men dry of their legs and feet. 5 Eliz.

Tanners.

Alſo you ſhall inquire of Tanners that have uſed the occupation of a Cordwainer, or a Currier, or that have put any Leather to ſale, but red Leather, as it came from the Tanne-fat, or that have put any Hide or piece of Leather to ſale, before it be well dried, marked, and ſorted, and then ſold in open market, or that have tanned any ſheep skins.

Glovers.

Alſo you ſhall inquire whether Glovers, or white Tawers of Leather, do make any other ware than that which is good and ſubſtantial, well tawed and dried, and not rotten nor tainted,

ted, and ſell the ſame at reaſonable prices. And a white tawer may taw no calf skins except they be put to him to be tanned, upon pain to loſe for every calf skin twenty pence.

Bakers.

Alſo you ſhall inquire whether the Bakers do their duties or not, in making of good and wholeſome bread for mans body, of ſweet corn, and not corrupted, and that they make their bread in weight, according to the price of Wheat, in thæ markets next adjoining, not changing the aſſiſe of Bread, but by ſix pence in weight in increaſing or abating, and if they doe the contrary, and be thereof duly convicted, then for the firſt, ſecond, and third time they ſhall be amerced after the quantity of their fault, and ſhall loſe from time to time their bread ſo found too light in weight: but if they ſhall be found faulty herein the fourth time, then they muſt be ſet upon the pillory in open market, whoſe puniſhment may not be releaſed for gold or ſilver.

Alſo a Baker muſt ſet his own proper mark upon every loaf of bread that he maketh and ſelleth, to the end that if any bread be faulty in weight, it may be then known in whom the fault is.

Brewers.

5 H. 3. 51 E. 3. Alſo you ſhall inquire of Brewers, and Tiplers, whether they make good and wholeſome ale

ale and bær foꝛ mans body, oꝛ not, and ſell and utter the ſame accoꝛding to the laws and ſtatutes of this Realm. And alſo they ought not to put out their ſign oꝛ ale-ſtake untill their ale be aſſayed by the ale-taſter, and then to ſell, and not befoꝛe.

Fiſhers.

Alſo you ſhall inquire of Fiſhers, whether they doe their duties oꝛ no, in bꝛinging to the Market ſuch fiſh as is good and wholeſome foꝛ mans body, and not coꝛrupt oꝛ ſtinking; and there ſell the ſame at reaſonable pꝛices, without taking of any exceſſive gains, but onely foꝛ every twelve pence beſtowing one penny clear gains ouer and beſides their charges, and if any fiſher ſhall doe the contrary, then he ſhall be gꝛieouſly amerced from time to time, and his fiſh if it be coꝛrupt and ſtinking, to be taken from him and openly burned in the Market. 25 H. 8. cap. 7. 31 H 8. c. 2.

Alſo no perſon may kill oꝛ deſtroy any young fry of fiſh, in whatſoever Riuer, freſh oꝛ ſalt, noꝛ kill oꝛ take any Salmon, oꝛ Trout, oꝛ any Pike oꝛ Pickerill, not being in length ten inches of clear fiſh oꝛ moꝛe, noꝛ any Barbell except he be twelue inches long in clear fiſh oꝛ moꝛe, upon pain of xx. s. foꝛ every fiſh ſo taken and killed being not of the ſaid aforeſaid lengths.

Alſo no man ought to fiſh with any net oꝛ engine, angling onely excepted, but with ſuch net oꝛ trannel as every meaſh ſhall be two inches

ches and a half wide, except nets onely to take Loches, Mennas, Butheads, Gudgeons, Eeles, and none other fish, upon pain of xx.s. for every time offending, and losse of the fish and the unlawfull net.

Conspiracy of Victuallers.

Also you shall inquire of the conspiracy of Victuallers, and that is, where any Butcher, Baker, Brewer, Poulterer, or Cook, shall or do conspire, promise, or make oath, that they will not sell their victuals but at certain prices, or if any artificers or labourers do conspire, promise, or covenant likewise not to doe the work which others have begun, or will doe but certain work in a day, or will not work but at certain hours and times, then every such person so conspiring, promising, swearing, and offending, being thereof lawfully convicted, shall forfeit for the first offence x. li. if he have it to pay, then he must pay it within six daies after his conviction, or else he is to have twenty daies imprisonment, and have onely bread and water for his sustenance, and for the second offence xx. li. to be paid as is aforesaid, or else to suffer punishment on the pillory, and for the third offence, he shall lose xl. li. to be paid as is aforesaid, or else to be set upon the pillory, and lose one of his ears, and ever after to be taken as an infamous person. And if such conspiracy shall happen to be made by any Company or Corporation, they shall lose their Corporation, besides

sides the penalty and the particular punishment aforesaid.

False Weights and double Measures.

Also if any within your inquiry, shall use any false weights or double measures in deceiving of the Kings subjects in buying with a great measure, and in selling with a lesse, the offender therein shall be grievously punished and imprisoned untill he hath made fine with the King for his offence. 51 E. 3.

No man ought to sell any corn, ale, bread or wine, but by a measure sealed with this letter Y. upon pain of forfeiture for the first offence vi. s. viij. d. for the second offence xiij. s. iiij. d. and for the third offence, twenty shillings, and to be set on the pillorie, to the example of others; and the measure not sealed to be broken: all which forfeitures are to the Lord of the Libertie where such offence is committed, and if it be in a City, or Borough, then it is to the Major and commonalty.

Also you shall inquire of such as use to trace hares in the snow, or to kill hares with harepipes, or other engines, by an old Law they forfeit six shillings eight pence for every hare so killed, but by a latter law made in the first year of the King that now is, twenty shillings. 1 Jacobi

No Lay-man may lawfully keep any greyhound, or hunting dog, ferrets, or nets, unlesse he can dispend forty shillings per annum, Free-hold: nor no Spirituall man, unlesse he

can

can dispend ten pound per annum, of spiritual promotion, upon pain of a years imprisonment.

Crow-net.

5 Eliz. Next you shall inquire if there be in every parish and tithing within your inquiry a crow-net, provided to kill and destroy crows, rooks, and coughes, according to the statute or no, if there be not, they ought to lose x. s. for every default, and it is not enough to have one, but it must be used, and scrapes made in the win-
5 Jacob. ter to that purpose, upon the like pain: but house-doves and pigeons may not in any case be taken with it.

Apparrell.

24 H. 8. And you shall inquire of such as exceed in apparrell contrary to the statute, for no man except he may dispend xx. li. yearly in lands for his life at the least, or is worth CC. li. in goods, ought to wear any silk on his hat, hose, shoes, girdle, scabberd, or spur-leathers, upon pain for every daies wearing of it x. li. and three monthes imprisonment: and if any man know his servant to offend herein, and do not put him away, and not take him again within a year after, doth forfeit C. li. for every such offence by the same statute, and these persons onely are excepted out of the statute, viz. the Kings Councell, the Barons of the Exchequer, Judges of the Law, Serjeants at Law,

Law, the Kings Phiſitians, Majors and Recorders of cities and towns corporate, and their wives.

Refuſe to goe to muſter.

Alſo you ſhall inquire if any have refuſed to goe to muſters; if there be any ſuch, they ought to loſe 13. s. and to have 3. daies impriſonment.

Alſo no man ought to water any hemp or flax in any running ſtream, upon pain of twenty ſhillings.

Alſo you ſhall inquire if any man have received into his ſervice any ſervant, and hath kept him by the ſpace of a year, and not ſworn to the King according to the ſtatute, his maſter muſt be amerced: and the Miniſter ought not to receive any man to the Communion table before he be ſworn to be a liege-man to the King. 41 E. 4. fol. 26.

Drunkards.

Alſo you ſhall inquire of drunkards, for they ought to be preſented, and to pay if they be able, for every time they be drunk 6. s. to the uſe of the poor of the parish where the offence is committed: if not able, then after conviction thereof, they ought to ſit ſix hours in the ſtocks. 1 Jacob.

Alſo an alehouſe-keeper ought to loſe 11. s. for every pot they ſell that is not a full quart, and 3. s. for ſuffering any townſman to ſit drinking 1 Jacob.

drinking in their houses, except he be brought thither by a stranger, and then he may not stay there above an hour.

And brewers by the same Law ought to lose for every barrel of beer or ale vi. s. viii. d. which they lay into any mans seller to be sold there by retail by any that is not licenced to sell ale or beer.

Waifes, straies, and felons goods.

18 E. 2. Also you shall inquire of waifes, straies, and felons goods. Waifes are Cattel stoln and weived out of the possession of him that stole them, and straies are Cattell strayed out of their haunt, and they ought to be seised upon to the Lords use, & to be wreathed & put into an open place, and not in a covert, to the end the owner may have the view of them, and they must be cried at three market-towns next adjoining to the place where they are strayed, and if they be not challenged within a year and a day, then they belong to the Lord of the soil where they are, by the Law, otherwise not.

Which is all manner of felons goods, which may (presently after the felony is known to be committed) be seised upon, but not taken away but left with the town-ship, for the felon must have his finding out of it so long as he lives unconvicted or attainted: but when he is convicted or attainted, his goods then properly belong to the Lord of the Leet, if he have words for it in his Charter, otherwise they belong to the King.

Trea-

Treasure trove.

Also you shall inquire of Treasure troves, either upon the ground, or within the ground: for if any hath been found within the jurisdiction of this Court, it belongs to the Lord of this Leet or Law-day.

Mortmain.

Also you shall inquire if any man hath given any lands in Mortmain, that is, to any Religious house, or Religious person, or to any corporation, guild, or fraternity without licence, such gift is void, and the Lord may enter by way of Escheat.

Also you shall inquire if the pains laid at the last Leet or Law-day be performed or no: if not, then you must present them that have made default, and then those pains must be read to the Jury.

And to conclude, if there shall any other thing come to your knowledge meet to be presented, and by any omitted to be given in charge, you shall as well inquire thereof and present it as the rest.

Then cause the Bailiff to make three Proclamations and say thus: If any man can inform the Steward of this Leet, or his inquest of any petty Treason, Felony, petty Larceny, breach of Peace, or of any other matter or thing now given in charge, let them come forth, and they shall be heard.

And if any do come in, then swear them thus: that the evidence which they shall give shall be the truth, and the whole truth, and nothing but the truth, so God them help and the contents of this book: then adjourn the Court till after dinner.

Then at your return from dinner, call all the Tithingmen and take their presentments.

And then that done, take the presentments of the Jury, if they be ready with them, or else give them a day to bring in their presentments, and then commonly is the best service done.

Then swear all the officers to their several offices that are then and there to be sworn.

Then adjourn the Court untill the day given to the Jury to bring in their presentments; but if they have no day given them, you may discharge the Court by Proclamation thus: videlicet, according as other Courts are discharged.

Then at the day when the Jury delivers in their presentments, you must first call them by their names, to see if all be there or no, and then ask them if they be agreed of their presentments; if they say they be, then receive their presentments in writing in English, under their hands, for the Stewards warrant, and the Steward must turn them into Latin in this manner, not altering the substance thereof. viz.

Petty Treaſon.

INprimis, Jur̄ prædict' dicunt & præſent̄ ſup eorum ſacramentum quod R. S. de A. gener̄ apud A. infra juriſdiction̄ hujus Cur̄ ut felo domini regis cent̄ Angelos aureos & trecent̄ groſſos falſe & felonice excudebat & fabricabat literis patentibus domini regis inde prius non obtent̄ contra pac̄ dicti domini regis nunc coron' & dignitat̄ ſuas contra formam ſtatuti in hujuſmodi caſu edit̄ & proviſ.

Felon' comburend' dom'.

Item præſent̄ quod quidam T. D. de I. yeoman tali die, &c. apud I. infra juriſdictionem hujus Cur̄ vi & armis, &c. voluntarie ac felonice ex malitia ſua præcogitat̄ domum cujuſdam I. S. combuſſit contra pacem domini regis, ideo præcept̄ eſt ballivo ſeiſire omnia terr̄ tenem̄t̄ bona & catalla ſua ut reſpondeat de iiſdem Dom̄ hujus manerii.

Felon.

Item præſent̄ quod W. P. de I. præd̄ Laborer, tali die, &c. apud A. infra juriſdictionem hujus Cur̄ vi & armis, &c. ac contra pacem dom̄ regis clauſ. cujuſd̄ A. B. apud I. prædict' fregit & intravit & unam tunicam byſſeam voc' *Satten* coloris nigri de bonis & catallis præd̄ A. adtunc & ibid̄ invent̄ felonice cepit & aſportavit, ideo præc' eſt ballivo ſeiſire ut ſupra.

Acceſſarie.

Item præſent̄ quod W. S. de I. prædict. yeoman, infra juriſdictionem hujus Cur̄ conſultavit, inſtigavit, procuravit, confortavit & abettavit quendam H. W. &c. unam vaccam coloris nigri precii xxx. s. de bonis & catallis cujuſdam E. F. adtunc & ibidem invent̄ felonice furare, capere, & abducere, ac præd̄ L. virtute conſultationis, inſtigationis, procuration', confortationis, & abettationis præd̄ W. S. præd̄ vaccam tali die & anno, &c. felonice furatus fuit, cepit & abduxit.

Rape.

Item præſent̄ quod A. B. de I. yeoman, tali die, &c. apud I. infra juriſdictionem hujus Cur̄ clauſum & domum cujuſdam C. D. fregit & intravit & in quādam K. C. filiam, &c. in pace dei & dom̄ regis exiſten' inſult̄ fecit & ipſam vi & armis adtunc & ibidem cont̄ voluntatem ſuam rapuit & eam carnaliter cognovit contra pacem, &c.

Felonie.

Item præſent̄ quod A. B. de I. præd̄ yeom̄, tali die, &c. apud I. infra juriſdictionem hujus Cur̄ circa horam nonam in nocte ejuſdem diei domum & manſionem cujuſdam C. D. ut felo domini regis fregit & intravit ea intentione ad ſpoliand̄ prædict' C. D. & ſex Angelos aureos de

de bonis & catallis prædict' C. D. adtunc & ibidem in quadam ciſtâ exiſtentes felonice cepit & aſportavit contra pacem, &c.

Robberie.

Item præſentꝫ quod E. F. de I. prædꝫ Laborer, tali die, &c. apud I. infra juriſdictionem hujus Curꝫ vi & armis, ac contra pacem, &c. in quẽdam T. B. apud, &c. infra juriſdictionem hujus Curꝫ in regia via ibidem in pace dei & domini regis exiſtentem inſultum fecit & ipſum T. B. adtunc & ibidem ſpoliavit & ſexdecim ſolidos & unum Angelum aureum de bonis & catallis prædꝫ T. B. in quodam marcipio ſuo adtunc & ibidem exiſten' à perſona ipſius T. felon' cepit & aſportavit contꝫ pacem domini regis coron' & dignitatꝫ ſuas, &c.

Huteſſius.

Item præſentꝫ quod prædict' T. B exiſten' ſpoliatꝫ levavit magnam Huteſſ. & proclamationem & prædꝫ E. F. tanquam felo dicti domꝫ regis dict' die & anno à prædꝫ loco ubi ſic ſpoliatꝫ fuit recenter inſequebatur uſque ad prædꝫ villam de, &c. & quod nullus inhabitꝫ ibidem prædꝫ felon' ſuper huteſſ. prædꝫ inſequebatur & ſic prædꝫ felo evaſit in dict' domꝫ regis contemptꝫ, ac contra formam ſtat. de Winton' in hujuſmodꝫ caſu edit & proviſ. ideo pdꝫ villa de, &c. in miſ. &c.

Fugam fecit.

Item præſentꝫ quod E. L. de I. prædict. yeoman, tali die & anno, &c. apud I. infra juriſdictionem hujus curꝫ quendam ſpadonem coloris albi precii, &c. de bonis & catallis cujuſdam A. B. in communi campo ibidem exiſtenꝫ felonice furatꝫ fuit, cepit & abduxit. Et quod prædꝫ E. L. ꝓ felonia prædꝫ ſe retraxit & effugit, ideo præceptꝫ eſt ballivo ſeiſire duas vaccas de bonis & catallis prædꝫ E. L. tanquam eſcaet' & domino forisfact', & quod ſalvo cuſtodiantur ad uſum domꝫ, vel ſic ſi ſit pro rege ad uſum domꝫ regis.

Eſcape.

Item præſentꝫ quod cum quidam B. R. de I. prædꝫ yeoman captꝫ fuit & arreſtatꝫ pro ſuſpicione cujuſdam feloniæ & in cippis poſitꝫ quidam I. F. de I. prædꝫ Laborer, tali die & anno, &c. apud I. prædꝫ cippos vi & armis ac felonice fregit & prædꝫ B. R. adtunc & ibidem evadere & ad largum ire permiſit contra pacem. Ideo præceptꝫ eſt ballivo ut prius, &c.

Felon' in Reſcuſſ.

Item præſentꝫ quod T. I. de I. prædꝫ infra juriſdictionem hujus curꝫ unum vitulum precii, &c. de bonis & catallis cujuſdam I. B. adtunc & ibidem inventꝫ felonice cepit & aſportavit. Et quod W. O. ballivus manerii prædꝫ tali die & anno, &c. apud I. prædꝫ prædꝫ T. I. pro ſuſpect' feloniæ

loniæ prædict' arreſtavit & quod W.F. de I. Laborer vi & armis, &c. apud I. præd dict' die & anno in præd W. O. in pace dei & dict' dom regis exiſten' inſultum fecit & præd T. I. in cuſtod præd W. adtunc & ibidem felonice cepit arripuit & reſcuſſit & ad largum ire permiſit contra pacem, &c. Ideo præc' eſt ut ſupra, &c.

Felon' Columbar.

Item præſent quod A. B. de I. præd yeoman, tali die & an', &c. apud I. infra Juriſdiction' hujus cur' circa horam primam in nocte ejuſdem diei quoddam columbare cujuſdam, &c. fregit & intravit & quadraginț columbas precii, &c. de bonis & catallis, &c. felon cepit & aſportavit contra pacem, &c. ideo, &c.

Felon' damæ Domeſticæ.

Item præſent' quod I. W. de I. prædict' generoſ. tali die & anno, &c. apud I. infra juriſdictionem hujus cur quandam damam domeſticã & gerent caperanam circa collum ſuum precii, &c. de bonis & catallis cujuſdam, &c. adtunc & ibidem invent felonice cepit & aſportavit contra pacẽ, &c. ideo præc' eſt ballivo ut ſupra, &c.

Felon' trunco fract'.

Item præſent quod I. L. de I. præd yeoman, tali die, &c. apud I. prædict' infra juriſdictionem hujus cur circa horam primam in nocte ejuſdem diei quendam truncum cujuſdam, &c.

fregit & intravit & decem piſces vocat̃ *Pykes*, preč, &c. de bonis & catallis præd', &c. à trunco ejuſdem, &c. adtunc & ibidem felonice cepit & aſportavit contra pacem, &c. ideo, &c.

Pettie Larcenie.

Item præſent̃ quod P. I. de I. præd̃ yeoman, tali die, &c. clauſum cujuſdam, &c. apud I. fregit & intravit & unum mantil' voč a Towell valoris vi. d. de bonis & catallis prædict', &c. adtunc & ibidem invent̃ felon' cepit & aſportavit. Ideo, &c.

Venditio in cœmeterio.

Item præſent̃ quod W. B. & T. B. de I. præd̃ Carnifices tali die, &c. infra p̃cinct' viſ. Franč Pleg. poſuerunt carnes ſuas & alia venalia in eccleſia & cœmeterio de I. p̃d̃ ad vẽdẽdũ, eaſdemque ubi divina Servitia celebrantur & humana corpora ſepeliunt̃ vendiderẽ contra form̃ ſtat̃ de Wint̃ in hujuſmodi caſu edit̃ & proviſ. ideo ipſi in miſericordia, &c.

Catalla Waiviat'.

Item præſent̃ quod quidam M. S. veniebat infra juriſdictionem hujus cur̃ & huc attulit quædam bona & catalla per ipſum furat̃, viz. unum inducen' linen' valoris, &c. diverſis aliis veſtiment̃ Anglice *one ſmock, one petticoat and one ſhirt*, quæ omnia præd̃ valent̃ xx. s. & non amplius & quæ omnia & ſingula huc per præd' M. allat̃

allat̃ & eadem M. hic infra juriſdict' hujus manerii illa waiviavit reliquit & aufugit per qd̃ omnia bona & catalla præd̃ pervenerunt domin̄ iſtius manerii Super quod præcept̃ fuit ballivo ſeiſire in manus dom̄ tanquam eſcaet̃ & domino foriſfact' & ſic fecit & bona & catal. præd̃ fuer̃ deliberat̃ domin̄ in iſta cur̃.

Communis finis.

Item dic̃. quod dant domin̄ de certo ꝑ comuni fine ad hunc diem ex antiqua conſuet̃ 6.s. 8.d.

Defalt' decenar'.

Item præſent' ſuper eorum ſacrament' quod I. R. R. W. & I. W. ſunt reſiantes infra præcinct' viſ. Franc̃ Pleg. prædict'. Et ad hunc die̅ fecer̃ defalt', ideo quilibet eorum in miſericordia prout patet ſuper eorum capit'.

Non jur' in decin'.

Item præſent' quod R. W. 2. d. W. F. 2. d. R. B. 2. d. W. G. 2. d. inhabitaver̃ infr̃ præcinct' hujus viſ. franc̃ pleg' per ſpac̃ unius anni & diei & amplius, & non jurantur dom̄ reg. ꝑ legiancia ſua, ideo quilibet eorum in miſericordia prout patet ſuper eorum capit'.

Nocument' aquæ.

Item præſent' quod R. C. de I. præd̃ yeoman, divertit cõem curſum cujuſdam rivolæ ducen' ꝑ dom

dom̃ cujuſd̃ T. H. extr̃ rect' curſ. quo ſolebat currer̃, ideo præc̃ eſt ei dimittere rivol' ill' currere in ſuo recto & priſtino curſu citra feſtum, &c. ſub pœna, &c.

Nocument' frondes.

Item præſent' quod eſt præd̃ ſepes de magna craſſitudine & quod frondes inde pendent ultra venellam voc' *Kings lane* ad nocument' carriag' ultra eandem villam carriand̃ in defect 'W. C. ideo præc̃ eſt ei ſuccidere ſive amputar̃ ſepes ill' cit' feſt', &c.

Nocument' guttura.

Item præſent' quod eſt quædam guttura ducens à domo ſive coquina T. I. per quam ſordida ſive aqua fætoſa dict' coquida eſt conduct' in regiam viam ad grave nocument' regiæ viæ & omnium carriag' ultra eandem carriand̃ per popul' dom̃ regis, ideo præc̃ eſt ei amovere ſive obſtupare ill' citra feſt'; &c. ſub pœna, &c.

Communis via.

Item præſent' quod communis via ducens per campum voc̃ *le Prebends field*, eſt cõis via ad ducend̃ & requitand̃, & ſic uſa fuit à tempore cujus contrar̃ memoria hominis non exiſtit, & q̃ port' & põs exiſten̄ ultra ulteriorem pont' debent eſſe manutener̃ & cuſtod̃ per terr̃ ten̄, & modo non ſunt, ideo præc̃ eſt terr̃ tenen̄ eand̃ portam & pontem emendare & reficere ante feſtum, &c. ſub pœna, &c.

Nocu-

Nocument' Sterquilinii.

Item præſent' quod R. W. erexit quoddam Sterquilin̄ adverſus domum ſuam prope regiam viam ad nocument' popul' dom̄ reg. ideo præc̄ eſt ei amovere & abſcariare ill' citra feſt', &c. ſub pœna, &c.

Nocument' foſſat.

Item præſent' quod eſt quodd̄ foſſat' inſcurat' & immundat' in defect' R. S. ad nocument', &c. ideo ipſe in miſericordia 12. d. Et præcept' eſt ei eſcuer̄ ſive mundare ill' citra feſt', &c. ſub pœna, &c.

Hoſpitatrix meretricum.

Item præſent' quod A. B. vidua eſt communis hoſpitatrix & receptrix meretricum & mulier̄ malæ famæ & converſationis ad grave nocument', vicinorum ſuorum, ideo amerciatur 2. s.

Objurgatrix.

Item præſent' quod N. C. vidua eſt communis objurgatrix cum vicinis ſuis & com̄unis fractrix ſepium & cuſtodit quend̄ W. C. filium ſuum in domo ſua & ipſe non eſt de bona fama ſive gubernationis, ideo ipſe in miſericordia prout patet ſuper, &c.

Treſpaſſe.

Treſpaſſe.

Item præſent' quod quidam A. B. ſerviens W. C. ball' dom̃ ut ſuit deducens cert' catall' cujuſd̃ R. G. uſque ad parcum dom̃ ibidem imparcare, venit quidam D. P. cum violenc̃ magna in parcũ præd̃ cum uno gladio valor̃ 5. s. & adtunc & ibidem præd̃ A. B. percuſſit eum eod̃ gladio ſuper caput ejus, & effudit ſanguiñ ſuper eundem A. B. occaſione cujus percuſſionis præd̃ B. cecidit ad terr̃ quaſi mortuus eſſet, ideo præd̃ D. P. in miſericordia, & affer̃ per capital' pleg. ad 5. s.

Treſpas & verberatio.

Item præſenc̃ quod I. S. fecit affraiam infra juriſdiction' hujus cur̃ & traxit ſanguinem, ideo ipſe in miſericordia 6. s. 8. d.

Defalt' de Conſtabul'.

Item præſent' quod W. G. eſt Conſtabular̃, & non eſt hic ad viſ. franc̃ pleg' ad præſentand̃ id quod ad officium illud pertinet, ſed fecit defalt', ideo ipſe in miſericordia 3. s. 4. d.

Commun' appretiatores.

Item præſenc̃ quod R. B. & W. G. ſunt communes appretiatores, & debent eſſe hic ad præſentand̃ id quod ad offic̃ illud pertinet, & fecer̃ defalt̃, ideo ipſi in miſericordia 3. s. 4. d.

Scrutatores

Scrutatores victual' defal'.

Item præſent' præd R. R. & C. D. ſunt ſcrutator victual' & eſſent hic ad viſ. franc' pleg' ad præſentand id quod ad offic' illud pertinet & fecer defalt', ideo uterque eorum in miſericordia 2. s.

Eſcorates vicorum defalt'.

Item præſent quod T. I. & W. I. ſunt eſcoratores vicorum, & debent eſſe hic ad viſ. franc' pleg' & fecer defalt, ideo uterque eorum in miſericordia 6. d.

Extrahura.

Item præſent ſuper eorum ſacrm, qd' xx. die Maii an regn', &c. veniebat infra dominium iſtud unus equus color *gray* de extrahura & remanet in cuſtod X. D. ad proclamand.

Item præſent, quod eſt unus Pullus color *bey*, ætatis quatuor an ſive plus qui veniebat infra dominium iſtud extrahura 9. die Septembris, anno regni, &c. precii 24. s. & remanſit in cuſtod ballivi per ſpacium unius anni & unius diei poſt tres proclam per tres ſeparales dies fact' ſecundum formam ſtatuti, ideo proprietas ejuſdem Pulli eſt in dño.

Piſtor in miſericordia.

Item præſent quod W. M. 12. d. & R. B. 12. d.

12. d. ſunt cões piſtores humani panis & per diverſas vices pinſuerunt panem inſalubrem, & fregẽ aſſ. ideo uterque eorum in miſericordia prout patet ſuper eorum capit'.

Braciat' in miſericordia.

Item præſent' quod R. W. 12. d. & I. D. 12. d. ſunt cões braciatores cerviſiæ, & braciaverẽ per diverſas vices cerviſiã inſalubrem & fregẽ aſſ. ideo quilibet eorum in miſericordia prout patet ſuper eorum capit'.

Tipulator' in miſericordia.

Item præſent' quod E. W. 12. d. & W. X. 12. d. per eorum uxõr ſunt comes tipulatõr cervis', & per illicitas menſuras vendiderunt cerviſiam, & fregẽ aſſ. ideo uterque eorum in miſericordia prout patet ſuper eorum capit'.

Pœna ponit'.

Inprimis ordinat' eſt, quod R. B. faciat & eſcorat' foſſat' ſuum apud inferiorem finem de *great hill field* contiñ per æſtimat' xx. perticat' citra feſt' Nativit' ſancti Jo. Bapt' prox' futur' ſub pœna pro quolibet perticat' inde 8. d.

Pœna.

Item ordinat' eſt, quod T. M. reformat & exponat quand' parcell' terræ nuper per illum incrochiat' inter *Waſh lane*, & *Pickham Common*, ante feſtum

feſtum omniũ ſanct' ꝓx' futur' ſub pœna ꝓ quolib' perticat' non reformat' atque expoſit' 20. d.

Pœna.

Item ordinat. eſt, quod nullus permitt' averia ſua, viz. boves vel vaccas ſuas tranſire & paſcere ſuper communiam hujus domini, ſed in venellis eidem manerio pertin' abſque cuſtod' ſub pœn' forisfact' dom̃ per quemlibet eorum ꝓ quolibet tempore 2. d.

Pœna.

Item ordinat. eſt, quod W. I. amoveat Sterquilinium ſuum jacen' per regiam viam adverſus domum ſuam ante feſt' Paſch. prox.' ſub pœna forisfact' decem ſolid' domin' hujus manerii.

Pœna.

Itẽ ordinat. eſt, qđ I.F. fac̃ & manuteneat pǒtem in clauſ. ſuo voc̃ *great Colmans*, in via ducen' ab Altõ uſque W. ſub pœna forisfaciẽd' dom̃ x.s.

Pœna.

Item ordinat. eſt, quod quilibet jugulat vel anulat porcos ſuos ante feſtum ſancti Michaelis Archangeli proxim̃, &c. eoſd' ſervaret ſic jugulat' ſive anulat' uſque ad feſtum ſanct' Johan' Baptiſt. tunc prox' ſequen' ſub pœna forisfact' domino pro quolibet porco pro qualibet ſeptimana tres ſolid' & quat' denar̃.

Then

Then there rests no more to be done at a Leet or a Law-day, but to minister to every officer his particular oath, and first the Majors oath, if there be one there, and that must be thus:

The Majors Oath.

You shall swear that you well and truly shall serve our soveraign Lord the King, and his liege-people in the Office of a Major, and as Major of this Town and Borough of P. for and during the space of one whole year now next insuing, and you shall minister equal Justice as well to the poor as to the rich, to the best of your cunning, wit, and power, and you shall diligently procure such things to be done, as may honestly and justly be to the profit and commodity of the corporation of this town, and also endeavour your self to the uttermost of your power to see all Heresies, Treasons, Felonies, and all other Trespasses, Misdemeanors, and Offences whatsoever to be committed within this Town and Borough, during the time of your office, to be repressed, reformed, and amended, and the offenders duly punished according to the law. And finally you shall support, uphold, and maintain the Commonwealth within this Town, prescribed customes, rights, liberties, jurisdictions, franchises, compositions and all lawfull ordinances of this Town and Borough. And as concerning all other things appertaining to your office, you shall therein faithfully and uprightly

rightly behave your self for the most quietness, benefit, worship, honesty and credit of this Town, and of the inhabitants thereof. So help you God and the holy contents of that book.

His Oath for the Supremacy by the statute of 1 Eliz. & 1 Jac. Regis.

I A. Y. do here testifie and declare in my conscience, that the Kings Highnesse is the onely Supreme Governour of this Realm, and of all other his Highnesse dominions and countries, as well in all Spirituall or Ecclesiasticall things or causes as Temporall, and that no forrein prince, person, prelate, state, or potentate, hath, or ought to have, any jurisdiction, power, superiority, preheminence or authority ecclesiastical or spiritual within this Realm. And therefore I do utterly renounce and forsake all forrein jurisdictions, powers, superiorities and authorities whatsoever, and do promise that from henceforth I shall bear faith and true allegeance to the Kings Highnes, his heirs and lawfull successors, and to my power will assist and defend all jurisdictions, priviledges, preheminences, and authorities, granted or belonging to the Kings Highnes, his heirs, or successors or united and annexed to the imperiall Crown of this Realm. So help me God and the contents of that book.

The Oath of the Recorder.

You shall swear that you will well and

truly serve our sovereign Lord the King, and the mayor, aldermen and burgesses of this town and borough of P. in the office of Recorder; and as the Recorder of this town and borough of P. you shall be faithfull and just, and give good advice and counsell unto the mayor, aldermen and burgesses of this town, for and concerning any matter or cause that shall concern or touch the franchises, liberties and good orders of this town, whensoever they shall require or desire you so to doe. You shall not utter or disclose any of their secrets or counsell, touching the Fellowship or Corporation of this town, whereby any prejudice, losse, or hinderance, or slander, shall or may arise, grow or be to the same Corporation. And farther you shall doe to your power, wit and cunning, all and every thing that shall appertain to your office for the most benefit, worship and credit of this town, and of the inhabitants thereof. So help you God and the contents of this book.

Ye must also take the Oath appointed by statute for the Mayor for the Supremacy.

The Oath of the Town-Clerk or Steward.

You shall swear that you well and truly shall serve the Mayor, Aldermen and Burgesses of this town, in the Office of Steward and Town-clerk of this Town and Borough of P. and truly to see all Plaints, Actions, Process, and matters in the Courts to be holden

den before the Mayor, Aldermen and Burgesses of this Town, by you or your sufficient Deputie, according to the custome and liberties of this Town, to be entred and recorded as they ought to be, after the best of your cunning, wit, or power, taking for the same your due fees; and the perquisites, issues, profits and amerciaments of the same Courts, you shall justly and truly write and extract yearly, for the levying and gathering thereof; and you shall truly and diligently doe and accomplish all other things appertaining to your said office after the best of your knowledge, as near as God shall give you grace. So help you God and the contents of this book.

Ye must also take the Oath appointed by the statutes for the Supremacy.

The Oath of the Coroner, if there be any.

You shall swear that you well and truly shall serve our sovereign Lord the King, and his liege people, in the office of a Coroner, as Coroner of this town and borough of Y. and you shall diligently and truly doe & accomplish all and every thing and things appertaining to your Office, after the best of your cunning, wit and power, for the most quietnesse, profit, ease and credit of this town, and the inhabitants thereof, taking such fees as you ought to take by the laws and statutes of this Realm. So help you God and the contents of this book.

Ye must also take the Oath aforesaid for the Supremacy.

The Oath of the Receivers.

You shall swear that you well and truly shall serve the Mayor, Aldermen and Burgesses of this town of P. in the office of Receivership, and as Receivers of the same town, for and during the space of one whole year now next insuing; and ye shall reasonably and honestly procure the profit of the Corporation of this town in those things which touch your Office: and ye shall also well and truly collect, levie and gather all and all manner Rents, Revenues, Casualties, Duties and Profits, belonging to the said Office, and the same shall truly pay and deliver, and true declaration and account thereof make at the time appointed for payment and accompt thereof to be made, without concealment: and further, you shall diligently give attendance to the Mayor of this Town and Corporation according to ancient custome, and every other thing belonging to your office you shall well and truly doe and accomplish, to the best of your skill or power. So help ye God and the contents of this book.

The Oath of the Chamberlain and generall Receiver.

You shall swear that you well and truly shall serve the Mayor, Aldermen and Burgesses

gesses of this town and borough of P. in the office of Chamberlain or generall receiver of this Town, and therein shall you doe right to all manner of people, both poor and rich, in those things which touch your office. The receit of the money due or belonging to the Mayor, Aldermen and Burgesses of this Town and Corporation you shall truly and safely keep, and have alwaies in a readinesse, to the use and behoof of the corporation of this town, whensoever occasion shall serve, and not waste or dispend the same, but make true declaration and account thereof, when you shall be thereunto required, without concealment, according to the credit and trust to you committed in this behalf. So God you help, &c.

The Oath of a Burgesse.

You shall swear that you well and truly shall serve our Sovereign Lord the King, his heirs and lawfull successors, and the inhabitants of this town and borough of P. as one of the Burgesses of this town, and shall minister equal justice to poor and rich, after the best of your cunning, wit, and power; and also shall well and truly observe, perform, fulfill and keep all such good orders, rules and compositions, as are or shall be made, ordered or established by the Common Councill of this town, for the good government thereof in all things to you appertaining. And you shall not utter or disclose any counsell or secret thing or matter touching the fellowship or corporation of

this town, whereby any prejudice, losse, hinderance, or slander, shall or may arise, grow or be to the same Corporation: but you shall in all things belonging to the fellowship and Corporation of this Town, faithfully, honestly and indifferently behave your self, for the most benefit, worship and honesty of this town, and the inhabitants thereof. So God you help, &c.

The like Oath is to be ministred to an Alderman, mutatis mutandis.

The Oath of the Constables.

You and either of you shall swear that you well and truly shall serve the Kings Majesty, and the Mayor, Aldermen and Burgesses of this town and borough of P. in the office of Constableship, and as Constables of this town, for and during the space of one whole year now next insuing. You shall endeavour your selves to the uttermost of your powers, to see the Kings Majesties peace to be kept, a watch and ward observed and kept in this town, as hath been accustomed, and as it ought to be. Likewise you shall endeavour your selves to learn & understand the contents of the statute of Winchest. and divers other laws and statutes of this Realm, made for the punishment of rogues, vagabonds, and sturdy beggers, haunting and resorting within the precinct of your office, and punish the offenders accordingly. Also you shall punish all such persons as do or shall play at any unlawfull games, according to

to the ſtatute in that caſe made and prohibited. You ſhall alſo have regard for the maintenance of Artillery within your ſaid office, and that you ſhall doe and accompliſh to the uttermoſt of your powers. So help you God, &c.

The Oath of the Serjeants.

You and either of you ſhall ſwear that you well and truly ſhall ſerve the Mayor, Aldermen and Burgeſſes of this town, in the office of a Serjeantſhip, and as Serjeants of this town, for and during the ſpace of one whole year now next coming: and you ſhall well and truly ſerve, doe and execute all & all manner precepts, warrants and commandments, to you and either of you to be lawfully given and directed, touching or concerning any matter, cauſe, or proceſs, to be moved, had, or depending in the Kings Majeſties Court to be holden within this town, according to the liberties thereof, or at large, and ſhall make due returns and anſwers thereunto, and make Certificate thereof, according to the effect of ſuch Precepts, Warrants and Commandments, taking therefore your ordinary fæs, and none other. And alſo you ſhall diligently give attendance unto Maſter Mayor, and wait on him, as hath been accuſtomed, and as you ought to doe, and his commandments and meſſages truly to doe and ſay, and not alter the ſame, ſo that it may be prejudiciall or hurtfull unto the ſaid Maſter Mayor or any other. And likewiſe you ſhall give attendance and be

aiding and assisting unto the Constables of this Town in any thing that they or either of them shall reasonably and lawfully command or will you to doe: and you shall diligently and truly doe all other things appertaining to your said office, to the uttermost of your power. So help you God and the contents of this book.

The Oath of a Free-man.

You shall swear that you shall be true liege man, and true faith and truth bear to our sovereign Lord the King, his heirs and lawfull successors: and to your power shall aid and assist the Mayor and other officers of this town for the time being, and to them shall be obedient and attendant concerning such things as they or any of them shall lawfully and reasonably will or command you to doe. You shall also well and truly observe, performe, fulfill and keep all such orders and rules as are and shall be made and established by the Common Councill of this Town, for the good government thereof, in all things to you appertaining. You shall also give, yield, and be contributary to and with the Corporation of this Town, so far forth as you ought or shall be chargeable to doe. And you shall not by colour of your freedome bear out or cover under you any forrein person or stranger: but according to the best of your skill, wit, cunning & power, you shall uphold & maintain all the Liberties, Franchises good customs, orders and usages of this town & corporation. So help you God, &c.

The

The Oath of the Tithing-man or petty Constable.

The Oath of the Tithing-man or petty Constable is in all points as the Oath of the Constable, mutatis mutandis; saving further that the Tithing-man must be sworn to be attendant on the Constable when he shall execute his office, being thereunto required.

The Oath of an Ale-taster.

You shall swear that you shall well and truly serve the Kings Majesty, and the Lord of this Leet, in the office of the Ale-taster or Assisor of this Liberty and Hundred, for this year to come. You shall duly and truly see from time to time that the bread brought to be sold be truly weighed, and that the same do contain such weight, according to the prices of wheat, as by the statute in that behalf is provided. Likewise you shall have diligent care, during the time of your being in office, to all the Brewers and Tipplers within your office, that they and every of them do make good and wholesome Ale and Beer for mans body, and that the same be not sold before it be assayed by you, and then to be sold agreeable to the prices limited and appointed by the Kings Justices of Peace: and all faults committed or done by the Bakers, Brewers or Tipplers, or by any of them, you shall make known, and present the same at this Court, whereby due punish-

ment

ment may be inflicted upon them for their offences accordingly. And in every other thing you shall well and truly behave your self in the said office for this year to come. So help you God, &c.

The Oath of fealty to a Free-holder.

You shall swear by the contents of that book, that you will be true and faithfull to the Lord of this manor, and shall from henceforth bear, doe and pay to your said Lord, and to his heirs, at terms assigned, all such Rents, Customes and Services, as you ought to pay and doe for all such lands and tenements as you claim to hold of him. So help you God, &c.

The Oath of the Yongling.

This hear you the Steward and the Court, that I shall swear, that I will be a true liege man, and true faith and troth bear to our Sovereign Lord the King that now is, and to his Highness heirs and lawfull Successors, Kings or Queens of this Realm of England, and other his dominions depending on the same: and I shall with all my power, wit and endeavour, defend and maintain his Highnesse right and title to this Realm and dominions against all forrein Princes and forrein Potentates; and shall no felony nor treason commit, nor thereunto assent, but as soon as any treason shall come to my knowledge, I shall make the same to be known to the Kings High-

Highneſſe, his heirs and ſucceſſors, or to his Highneſſe moſt honourable priby Councill, or to ſuch as have or ſhall have rule and government over his Highneſſe Subjects, (which commonly are the Juſtices of Peace) within four and twenty hours next and immediately after it ſhall come to my knowledge; and ſhall be obedient to all the Kings Majeſties laws, precepts, and proceſs proceeding from the ſame: and in all things I ſhall well and truly behave my ſelf, like a true and faithfull ſubject, during the term of my naturall life. So God me help, &c.

The Oath of a Deſnier.

You ſhall ſwear that you I. S. from this day during your life, ſhall be faithfull and loyall to our Sovereign Lord the King and to his heirs, and true faith and loyalty you ſhall bear of life, member and terrene honour; and you ſhall bear of no hurt or damage that may befal them, but you ſhall diſcloſe it, and to the uttermoſt of your power you ſhall defend them. So God you help, &c.

The Oath of the Heyward.

You ſhall ſwear that you ſhall well and truly ſerve the Kings Majeſty and the Lord of this Leet in the office of a Heyward for this year to come: you ſhall duly and truly execute all ſuch Attachments and other Proceſſe as ſhall be directed unto you from this Court:

and

and you shall from time to time signifie and present all such Pound-breaches as shall happen to be made within your office. And likewise you shall present all such Cattell estrayed as shall usually come within your office, and in every other thing well and truly behave your self during the time aforesaid. So God you help, &c.

The Oath of the Affiers.

You and either of you shall swear by the holy contents of this Book, that you will truly and indifferently tax, assesse and Affier all such Amerciaments as are presented at this Court: wherein you shall spare no man for love, favour, affection, or corruption, nor raise or inhaunce upon any man (of malice) more grievous Amerciaments then shall be thought reasonable, according to the quality of the offence and the faults committed, and not otherwise. So help you God, &c.

Then must the Steward command all men to stand by, and the two Affiers to stand as near him as they can, and he must read unto them every presentment that ought to be affied, & so that they may rate them accordingly, untill they have done, & then discharge the Court thus:

Conclusion.

The Bailiff must make an O-yes, and say after the Steward thus; If any man have any more to doe at this Court, let him come in, and

and he shall be heard; or else every man may depart for this time in Gods peace and the Kings: and keep your day here according to custome, if it be a Customary Leet; otherwise it must be upon a new warning. And so God save the King, and the Lord of this Leet or Law-day, and make us all his servants. Amen.

Now I will shew you how Mannors took their beginning, and within what Mannors a Court Baron shall or may be kept, and within what Mannors they may not, as followeth.

Perkins fol. 127. saith, That the beginning of Mannors was, when the King gave a thousand Acres of Land, or more or lesse, to a man and his heirs, to hold of him and his heirs for ever. And before the statute of Quia emptores terrarum, A man seised of Land infeoffed another of ten Acres, another of twelve Acres, a third of twenty Acres, to be holden of himself, and the tenants to doe him service, and pay him a quit-rent; and so by this means, by continuance of time out of the memory of man, such donor or feoffor had a Mannor.

Also, 33 H. 8. tit' Compris, A man at this day cannot make a Mannor: for although that a gift in tail be made to divers to hold of the donor by services or suit of Court, although this be a tenure, yet it cannot make a Court, for it cannot be without prescription.

Also if a man have a Mannor, and all his free suiters but one do commit felony, or die without heirs generall or speciall, whereby their

their land eſcheats, or if the Lord purchaſe their lands, the Mannor is deſtroyed, for it cannot be a Mannor without Suiters, there muſt be two at the leaſt, as it appeareth by 35 H. 8. tit' Tenures 102. m. And in 26 H. 8. 4. two Copartners made partition of a Mannor, ſo that either of them had parcell in demeſn, and parcell in ſervice: in this caſe either of them hath a Mannor, and either of them may keep a Court Baron, if either of them have two Suiters; otherwiſe not. But 12 H. 4. 15. Partition is made of a Mannor, ſo that one Copartner hath the demeſns, and the other the ſervices; ſuit of Court in this caſe is ſuſpended, and ſo long as the Mannor continues ſo, there can be no Court kept. And 8 H. 7. 4. it is held, that a Court Baron is incident to a Mannor of common right, ſo that within every Mannor there ought to be a Court Baron, although there be no ſuiters belonging to it, or although by partition the ſuit is ſuſpended, as is aforeſaid, and 34 H. 6. 53. But note, that divers are called Mannors, where there are not free ſuiters, but only Copiholders, ad voluntatem Domini ſecundum conſuetudinẽ Manerii; and yet thoſe ſeigniories are called Mannors. And there are Court Barons kept to grant Copihold eſtates, otherwiſe they cannot be granted by Copie, but by Leaſe they may, and by that means a Mannor will be utterly deſtroyed.

THE

THE MANNER and FORM How to keep a COURT-BARON.

ſſ. CUr̃ Baron̄ I. F. & P. uxor̄ ejus ibid̄ ten̄t duodeciṁ die Octobris, anno regni domini noſtri Jacobi, Dei gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Regis, Fidei defenſoris, &c. viz. Angliæ, Frā-ciæ & Hibern̄ decimo quinto, & Scotiæ quinquageſimo primo, per me I. W. Seneſchall' ibidem.

Then command the Bailiff to make an Oyes, and ſay after you thus, All manner of perſons that have any thing to doe at this Court, draw near and give your attendance; and if any man will be eſſoigned or enter any plaints, let them come forth, and they ſhall be heard.

Then let the Bailiff ſay after the Steward, Eſſoigns and profers of ſuit or plea three times for this Court: and if any will be eſſoigned,

gned, let the essoign for suit of Court be entred thus;

Essoin'. I. S. essoin̄ est pro sect' Cur̄ per T. D.

And if any will enter any plaints, then let them enter their plaints thus;

W. K. queritur versus I. H. de placito debiti vel transgres. vel captionis & injustæ detentionis averiorum suor̄, vel similiter.

Then call the Freeholders, and so many as make default, present their names, and mark them over the heads thus;

mīa ij. d. mīa ij. d.

Lib. tenent. Richardus W. Miles, & M. B. generos. sunt liber̄ tenent' hujus Cur̄ & fecer̄ defalt': Ideo uterque eorum in misericordia, prout patet super eorum capit'.

{Will. Kelsey. Joh. Vallot. Rob. Corse. Jo. Matthew.} Jur̄. {Joh. Newman. Mattheus Bull. Joh. Hoult, & Thomas L.} Jur̄.

The Foremans Oath.

You shall swear that you as Foreman of this Homage, with the rest of your fellows, shall duly inquire, and true presentment make, of all such Articles and things as shall be given you in charge: and therein you shall spare no man for love, favour, or affection; nor present any man for malice, hatred, or envy; but according as things here presentable shall or may come to your knowledge by information

or otherwise, so shall you make thereof true presentment without concealment. So God you help and the contents of this book.

Then call the rest of the Homage, and swear them by four at a time, thus: The same Oath that N. Kelsey your Foreman hath taken before you on his part, you and every one of you shall observe and keep on your parts. So help you God and the contents of this book.

Then let the Bailiff call them by name, and bid them stand near and hear their Charge.

An Exhortation to the Jury before the Charge.

Sirs, you that be sworn, before I enter into your Charge, I purpose by Gods assistance to deliver unto you the causes of your assembly here together, which are two. One is, for that you hold lands of the Lord of this Manor, some as Freeholders, and some as Copiholders, and therefore by reason of your tenures you ought to appear at this Court so often as it shall be kept, and here to doe your suit and service, or else to be amerced. And the other cause of your coming hither is, to get knowledge by hearing of the laws and customes of this Court dilated upon unto you; and hereby you may be the better taught, instructed, and enabled to know how to perform your duties in doing well and eschewing evil. And for that you shall the better consider and inquire of, and present all things which are

now here presentable, I have ministred unto you a corporal Oath, which oath standeth upon three parts, (that is to say) upon Truth, Judgement, and Justice. It standeth upon Truth, for that you ought to present nothing but the truth, and likewise not to omit any thing that is true and presentable here unpresented. It standeth upon Judgement, that you do not present any thing rashly or unadvisedly, but certainly to know the truth thereof before you do present it. And it standeth upon Justice, that you do not for favour, affection, corruption of money, or other reward, for fear of any mans displeasure, or for any private gain or profit, leave any thing unpresented that is here presentable, neither for malice to present any thing contrary to the truth. These three principall things you ought duly to consider of: and so hoping that you will have a speciall care thereof, according to your oaths and duties, and the trust that is reposed in you, I will cease to trouble you any further at this time by way of exhortation, and proceed to your Charge.

The Charge.

First, you shall inquire whether all such persons as owe suit and service to this Court be here to doe the same or no: and if any make default, you must present their names.

And I must tell you, if there be two Coparceners, or two Jointenants, which do owe suit and service to this Court for any Lands which

which they hold of the Lord of this Manor, the one of them ought to be here to doe the same suit, and the other ought to be contributer to his charge.

Also if any Tenant having twenty acres of Land granteth or letteth the same to twenty severall persons, in this case every one of those twenty ought to doe such suit and service as hath been accustomed to be done for the same land.

Also you shall inquire if any Tenant be dead since the last Court, or before, and his death as yet not presented; then you shall inquire what Land he held of the Lord of this Manor, and by what tenure or service he held the same, whether by Knights service, Socage tenure, or by Copie, and what benefit or advantage is fallen to the Lord by his death, whether ward, marriage, relief, escheat, or any other profit, and who is his next heir, and of what age he is, and in whose custody he is. For if any Tenant which holds by Knights service die, and his heir male under the age of 21 years, and not married, then the Lord shall have the wardship and marriage of such heir male: but if it be a female, and under the age of 14 years, and not married, then the Lord shall have likewise the wardship and marriage of such heir female. And if the heir male be 21 years at the death of his ancestor, or the heir female 14 years, then the Lord shall have onely a relief: which is, if they held by a whole Knights fee, C. s. if by the moiety of a Knights fee, L. s. & so as according to the rate of their tenure.

Also if any Tenant which held by Socage tenure be dead, his heir being under the age of 14 years, the Lord ought to have the value of his land for one year for a relief, which is due immediately after the death of the Tenant: and the next of kin to the heir, to whom the inheritance cannot descend, ought to have the wardship of such heir.

Also if any customary Tenant or Copiholder hold two parcels of land by herriot service, and by several copies, if such tenant die thereof seised, the Lord ought to have two herriots.

Also you shall inquire whether any of the Lords tenants be dead without heir generall or speciall: if there be any such, then the Lord ought to have his land by Escheat.

Also if any Bastard hath purchased any land within this Lordship, and is dead without issue of his body lawfully begotten, then the Lord ought to have his land by Escheat.

Also if any Freeholder of this Manor hath committed felony, and thereof hath been attainted, that is, either hath confessed the felony, or hath been convict by verdict of xij men, or fled, & is thereupon outlawed for the felony; in this case the King must have annum, diem & vastum in his land, and after it ought to come to the Lord by Escheat.

Also if any Copiholder hath committed felony, and thereof hath been attainted, as is afor said, then the Lord may enter into his Copihold for a forfeiture.

Also if any Copiholder hath leased his Copihold

pihold foꝛ any longer time then a yeaꝛ & a day without the Lozds licence, it is a foꝛfeiture of his Copihold, unleſſe he may doe it by the cuſtome.

Alſo if any Copiholder deny to pay his rent, oꝛ deny to come to his Lozds Court, oꝛ deny to be ſwoꝛn of the homage, oꝛ deny to goe with his Lozd to ſuppꝛeſſe Rebels, every one of theſe denials is a foꝛfeiture of his Copyhold.

Alſo if any Copiholder hath ſold any of his Copihold-land by deed, and made livery of ſeiſin thereof accoꝛding to the deed, it is a foꝛfeiture of ſo much as he hath ſo ſold.

Alſo if any Copiholder hath cut down any timber-trees within his Copihold without licence, oꝛ lopped any timber-trees there at an unſeaſonable time of the yeaꝛ, by reaſon whereof they die, either of both is a foꝛfeiture of his Copihold.

Alſo if any Copiholder ſuffer his Copihold tenement to decay and fall down foꝛ lack of reparations, it is a foꝛfeiture of his Copihold.

Alſo if a Copiholder be a Recuſant, if his Lozd alſo be not a Recuſant, he ought to foꝛfeit his Copihold eſtate, accoꝛding to the ſtatute-law made an 35 El.

Alſo if any Copiholder have ſurrendꝛed his Copihold tenement into the hands of two of the tenants, ſince the laſt Court, to the uſe of any perſon, every ſuch ſurrender ought to be pꝛeſented at this Court, oꝛ elſe the tenants which took ſuch ſurrender ought to foꝛfeit their

Copiholds; because it may be thought, if they do not present it, that they goe about not onely to defeat the Lord of his fine, but also to disinherit the party to whose use the same surrender was taken.

Also if any Copiholder, having two Copiholds, hath impaired the one to amend the other, this is a forfeiture of the Copihold that is impaired.

Also if any Villain or Bondman of bloud hath purchased any Land within his Lordship, the Lord may seise both it and such villains goods at his pleasure.

Also you shall inquire whether any Tenant of this Manor hath given any of his lands in mortmain, that is to say, to any religious house, religious person, and their successors, or to any Guild, Fraternitie, or Corporation, and their successors, without the Kings licence, and the Lords of this Manor: for it is here inquirable and presentable, to the end that the Lord, if there be any such grant made, may make his claim within the year and the day, according to the statute in that case made and provided.

Also if any Tenant hath sold his land by deed, and hath not given notice thereof to the Lord, nor he which bought it hath not done his fealty to the Lord, or suit of Court, so that by reason thereof the Lord doth not know who is his tenant, therefore you ought to present it: for it is very needfull and necessary that the Lord should know who is his tenant, by reason of his services and

escheats

eſcheats which may grow due unto him.

Alſo if any tenant within this Lordſhip hath ſuffered any houſe of husbandry to decay, by taking of the land from it to lay it to another; in this caſe the Lord ought to have the moiety of the profits thereof to his own uſe, untill it be made and maintained a Husbandry again: and this you ought to inquire of for the Lords benefit.

Alſo if any tenant hath incloſed any land which hath been accuſtomed to lie open, without the Lords licence and the Freeholders, you muſt preſent it; for he cannot juſtify the doing thereof.

Alſo you ſhall inquire whether any of the Lords lands within this Manor be withholden from him, and held and occupied without his licence: if there be any ſuch thing, then you muſt inquire by whom it is withholden, and what land it is, and what it is worth by the year, and how long it hath been withholden, that the Lord may recover his damage for the withholding thereof accordingly.

Alſo you ſhall inquire whether there be any rent, cuſtome or ſervice behind and unpayed to the Lord of this Manor, by whom it is due, and what rent, cuſtome or ſervice it is, how long it hath been withholden, and where the land lieth, that the Lord may diſtrain for the arrerages thereof.

Alſo you ſhall inquire if any bailiff or other officer of this Manor hath made any arreſt for any rent, cuſtome, or ſervice, due to the Lord of this Manor, and reſcous therein hath been

made; you ought then to present him or them which made the rescous, and where and when it was done.

Also if any distresse hath been taken and put into the Lords pound, and hath been taken out from thence without leave or authority of the law, then such taking is a pound-breach, and here inquirable and presentable.

Also if any tenant doth surcharge the common by putting more cattell there then by the custome he ought to have goe there, or by putting of cattell there not commonable, as pigs, goats, and geese, and such like, you must present them.

Also if any tenant of this Manor, having two Farms, one in this Manor, and another in another Manor, doth use in the Summer-time or open time of the year, when Corn & Hay is housed, to bring cattell from his other farm unto his farm within this Manor, which have been usually kept at his other farm out of this Manor, this is called chasing and rechasing, and here inquirable and punishable, unlesse these cattell be kept within his own severall grounds, and not in the common fields.

Also if any man hath removed any bounds or marks, meer-stones or stakes, between this Lordship and any other, or between tenant and tenant, you must present their names, for it is an evill office, and they deserve to be punished for it.

Also if any man hath fished, hawked or hunted within this Lordship, without the leave or licence of the Lord of this Manor, you

you must present him; for they are the Lords Realties, and therefore no man can lawfully come here to doe either one or the other without his leave.

Also if any tenant by reason of his tenure ought to grind at the Lords Mill, if he doe it not, you must present him.

Also if you know any man that keepeth, detaineth or withholdeth any of the Lords evidences of this Manor, as Court-rolls, rentalls, or immuniments, appertenant and belonging to the Lord of this Manor, you must present them: for it is fit that the Lord should have the Custody of this evidence himself.

Also if there was any thing pained at the last Court to be done, and as yet it is not done, you must inquire who have made default therein, and present his, hers, or their names. And you shall likewise inquire of all other things which you shall think needfull to be inquired of, by me omitted, and not given you in charge, as well as if I had given you it in charge; and so bring in your presentment in writing by one of the clock in the afternoon.

Then let the Bailiff make an O-yes, and adjourn the Court till after dinner, thus:

All manner of persons that have any more to doe at this Court, may depart for this time, and keep their hour here at one of the clock in the afternoon.

And then after dinner call the Jury for their presentments: and if they be ready, take them, and swear two Affiers to affier them, as before at the Læt.

This

This being done, let the Bailiff make an O-yes, and discharge the Court thus: All manner of persons which have any more to doe at this Court, let them come forth, and they shall be heard, or else they and every one else may depart for this time, and keep their day here upon a new warning: and so God save the King, and the Lord of this Manor.

Fealty to be ministred to a Customary Tenant.

You shall swear that you shall be true tenant, and faith and truth shall bear to the Lord of this Manor, and to his heirs, for all such Customary Lands and Tenements as you claim to hold of him, by vertue of your copy for term of your life: you shall also well and truly bear, pay and doe all such rents, customes and services, as are and shall be from time to time to be payed and done for the said lands to your said Lord, and his heirs: you shall also be justified by your Lord and his officers in every thing, as a customary tenant ought to be justified: and you shall in every other thing well and honestly behave your self so long as you shall be Tenant. So help you God and the contents of that Book. And so let him kisse the Book to affirm his oath.

But this oath must be ministred before the Court be ended.

The

The Oath of the Reeve or Bailiff of a Manor.

You shall swear that you shall well and truly serve the King and the Lord of this Manor for the year to come, in the office of the Reeve or Bailiff of the same Manor: and you shall duly and truly gather all such rents, revenues, or other yearly profits, as shall be extracted out unto you, and thereof you shall make and yield up a true account at the end of the said year: and in every other thing you shall well and honestly behave your self in the said office during the time aforesaid. So help you God and the contents of that book. This must also be done before the end of the Court.

And the presentments are to be put into Latin by the Steward of the Court thus; viz. next after the presentment of the freeholders, for their defaults, the Copiholders thus:

Defalt' de Copikolders.

Item Jur̄ dicunt super eorum sacrm̄ quod W. I. 3. d. & I. R. 4. d. sunt tenentes per copiam Rotulorum cur̄,& debent sect' cur̄,& ad hunc d.ē fecer̄ defalt'. Ideo uterque eor̄ in misericordia, ꝓut patet super eorum capitibus.

Obitus.

Item præsent' quod W. N. qui de domino tenuit libere unum mesuagium & trigint' acr̄ prati

prati & paſtur̄ cum pertin' infra dominium iſtud per fidelitatem & ſect' cur̄, & per reddit̄ per annum 6. d. obiit de tali ſtatu ſic inde ſeiſit'. Et quod R. I. eſt filius & proxim̄ hæres præd. W. I. & eſt ætatis decem annorum. Et ad hanc cur̄ venit præd W. I. & ſolvit domino pro Relevio vi. d. & fecit fidelitatem.

Alienation.

Item dicunt ſuper eorum ſacram̄, quod G. B. qui de domin̄ tenuit liber̄ unum meſuag' unum pomar̄ & ſex acras prati cum pertin̄, per fact' ſuū Indentat̄ geren̄ dat̄ ſexto die I. anno regni, &c. dedit, conceſſit, barganizavit & vendidit omnia & ſingula præmiſſ. præd cum ſuis pertin̄ R. K. de, &c. habend & tenend omnia & ſingula præmiſſ. præd cum eorum pertinen̄ præf. R. K. hæred & aſſign̄ ſuis de capital' dom̄ feodi illius per reddit̄ ſervic' & conſ. inde prius debit̄ & de jure conſuet̄, & præmiſſ. tenet de domino hujus maner̄ per fidelit̄ & ſect' cur̄ & per reddit̄ per ann̄ xii. d. Et ad hanc cur̄ dictus R. K. fecit domino fidelitatem.

Legatio.

Item dicunt ſuper ſacramentum ſuum, quod W. A. qui de domino tenuit libere unum meſuagium ſive tenement̄ & viginti acras terr̄ voc' H. per fidelitat̄, ſect' cur̄, & per reddit̄ per annum vi. d. obiit inde ſeiſit̄, & per ultimam voluntatem ſuam in ſcript̄ fact' geren' dat̄ xxviij. die Sept̄ ann̄, &c. legavit meſuagium ſive ten̄t & præd

prædꝫ xx. acr̃ terr̃ quibuſdam R. A. & T. A. filiis ſuis per nomen omnium terr̃, tenemenꝫ & hæreditamenꝫ ſuorum ſituaꝫ, jacen̄ & exiſten' in I. prædꝫ habendꝫ & tenendꝫ prædꝫ meſ. ſive tenꝫ, &c. & prædꝫ xx. acr̃ cum pertin' eiſdem R. A. & T. A. hæredꝫ & aſſign' ſuis imperpetuum ad proprium opus & uſum ipſor̃ R. & T. hæredꝫ & aſſign' ſuor̃ imperpeꝫ. Ideo præcepꝫ eſt ballivo diſtringere prædꝫ R. A. & T. A. ſecundum formam ſtatuti in eodem caſu proviſ. ad ſolvendꝫ Relev. & etiam diſtring' ad fac' fidelitaꝫ.

Super Surr'.

Item dicunt ſuper ſacram̃ ſuum, quod R. R. tenens cuſtomarius hujus manerii extra cur̃ ſurſum reddꝫ in manus domini per manus W. T. & R. W. duorum cuſtomar̃ tenen' hujus manerii, ſecundum conſueꝫ hujus manerii, totũ illud meſ. & xxx. acr̃ terr̃ prati paſcuæ & paſtur̃ cum pertinenꝫ. modo in tenur̃ ſiue occupac' R. B. ad opus & uſum prædꝫ R. R. pro termin' vitæ ſuæ natural', & poſt deceſſum dicti R. R. tunc ad opus & uſum T. B. & hæredꝫ de corpor̃ dicti T. legiꝫ procreaꝫ; & pro defect' talis exiꝫ de corpor̃ dict' T. B. legiꝫ procreaꝫ, rem̃ inde I. I. filio R. de I. prædꝫ gen', hæredꝫ & aſſign' ſuis imperpetuum. Et dic' quod prædꝫ R. obiit: & nunc ad iſtã cur̃ prædꝫ T. B. venit & petit admiꝫ ad omnia & ſingula præmiſſa prædict'. Et ad hanc cur̃ dom̃ per I. K. ſeneſchallum ſuum conceſſit inde ei ſeiſinam per virgam, habendꝫ & tenendꝫ eidem T. B. & har̃ de corpor̃ ſuo legitime procreaꝫ; & pro defect' talis exitus rem̃ inde ad opus

opus & uſum dicti I. I. & hæred ſuorum imperpet. Et prad T. B. dedit dom̃ de fine quatuor libras, & fecit dom̃ fidelitatem, & admiſſus eſt inde tenens.

Surr' per Seneſchal' capt'.

Ad hanc cur̃ teſtat̃ eſt per W. T. ſeneſch. qd' W. N. in extremis jacens x. die A. & anno regni, &c. ſurſum reddidit in manus dom̃ per manus ejuſdem ſeneſchal' abſent̃ cur̃ in præſentia R. C. R. P. & C. H. unum teñt voc' M. in quo modo habitat W. G. cum omnibus terr̃ & teñt̃ ſuis infra manerium de I. ad opus & uſum M. uxor̃ ſuæ pro termino vitæ ſuæ; & poſt deceſſum ipſius M. remanere inde W. T. filio prad W. patris, & G. filiæ ejuſdem W. patris, ac ſorori præd W. fil. & hæred ſuis: ſub conditione tamen ſequent̃, quod ſi contingat aliquem prædict' W. filii & G. filiæ obire ſine hæred de corpore ſuo exeunt̃, quod tunc ipſe vel ipſa qui vel quæ ſupervixerit habebit & gaudebit tenemeñt prad ſibi & hæred ſuis imperpetuum. Et ſuper hoc venit in iſtam cur̃ præd M. & petit ſe admitti ad teñt prad cum pertinen'; cui dominus per I. K. ſeneſch' ſuum conceſſit inde ſeiſinam per virgam habend ſibi in forma præd ad voluntatem dom̃ ſecundum conſ. manerii, & dat̃ dom̃ de fine pro ingreſ. ſuo inde habend, prout patet, &c. & fecit dom̃ fidelit̃, & admiſſ. eſt inde tenens.

Obit'

Obit' de Copiholder.

Item ad hanc cur̄ compertum eſt per homagium, qd' quidam W. W. fuit unus filicr̄ & hær' R. W. defunct', qui quidem W. W. tenuit de domino ſibi & hæred' ſuis ſecundum conſ. hujus manerī medietatem duorum meſuagior̄ ſive tenement̄ & unius gardini cum pertinen' in I. & diu ante hanc cur̄ obiit inde ſeiſit̄ infra ætatem x. annorum, & in cuſtodia ejuſdem R. M. ſecundum conſ. manerii; & quod S. W. eſt frater & ſolus hæres præd' W. W. & plenæ ætatis, qui præſens eſt hic in cur̄, & petit ſe admitti tenent̄ ad omnia terr̄ & tenement̄ cuſtomar̄ de quibus ipſe præd' W. W. obiit ſeiſit̄, viz. ad prædict' mediet̄ duorum meſuagior̄ ſive tenement̄ tofti & gardini cum pertinent̄ infra manerium iſtud: cui dominus per I. K. ſeneſch. ſuum conceſſit inde ei ſeiſin̄ habend' & tenend' ſibi & hæredibus ſuis de dom̄ per virgam ad voluntatem domin' ſecundum conſ. manerii præd' per reddit̄ conſ. & ſervic' inde prius debit̄ & conſuet̄, & dat̄ domino de fine p. ingreſſ. ſuo, prout patet in capite: & fecit domino fidelitat̄, & admiſſus eſt inde tenēs.

Surr' in Cur'.

Item ad hanc cur̄ venit I. T. & ſurſum reddidit in manus domini decē acras terr̄ ſive plus ſive minus cum pertinen' vocat̄ S. quatuor acr̄ terræ ſive plus ſive minus vocat̄ K. & quatuor acras prati ſive plus ſive minus vocat' C. cuſtomar̄, ad opus & uſum R. B. generos', hæred' & aſſignat'

assignat' suorum, imperpetuum, per virgam ad voluntatem domini secundum consuetudinem manerī præd. Cui quidem R.B. domin' p̄ seneschal' suum concessit inde ei seisin', habend̄ sibi & hær̄ suis de domino per reddit' x. s. per ann' & alia servic' inde prius debit', & dat' dom̄ de fine p̄ ingress. inde habend̄ 4. li. Et fecit dom̄ fidelitatem, & admissus est inde tenens.

Obitus de parcener.

Item homagium dic' super sacram̄ suum, quod quidam R. S. qui de dom̄ tenuit ut parcenarius per consuetudin' manerī novem acr̄ terr̄ customar̄ cū una grāgia simul cū T. S. fratre suo sibi & hær̄ suis, obiit citra ultimam cur̄ sic seisit'; & quod quidam I. S. est filius & prox' hæres ejusdem R. quoad medietatem præd terr̄ & grangiæ præd, & est ætatis octo annor̄. Et super hoc tā custod̄ prædict' I. quam terr̄ & grāgia prædict' committuntur cuidā S.I. ut prob. amico suo, &c. Et invenit pleg' in cur̄ E.N. ad reddend̄ præf. I. de proficuis inde cum ad ætatem quatuordecim annorum pervenerit.

Encroachment.

Item dic' super sacram̄ suum, quod R. W. incrochiavit super vast. dom̄ apud C. in longitudine x. virgat̄, & in latitudine unæ virgat': ideo ipse in misericordia, &c. Et ordinat' est quod exponat eāsdem ante festum sancti Jo. Baptist. prox' sub pœna forisfact' dom̄ pro qualibet virgat' 2. s. 6. d.

Rescous.

Reſcous.

Item dic' ſuper ſacr̃ ſuum, quod G.B. ball' domini tali die & an', &c. infra dominium iſtud diſtringebat H. H. pro redditu domini tunc per prad̃ H. aretro & non ſoluto, & quod prad̃ H. adtunc & ibid̃ reſcuſſ. fecit ſuper eund̃ G. B. ideo ipſe in miſericordia, &c.

The form and manner of divers grants and ſurrenders, as well of Copiholders of inheritance, as alſo of Copiholds for lives, as followeth.

Broxhead.

ff. Ad Cur̃ manerii ibid̃ ten̄ 14. die Febr̃ anno, &c. venit N. R. & cepit extra manus domini unum meſuagium & dim̄ peciæ ſive virgat̃ terr̃ cum ſuis pertinen' in B. nuper in tenura I. A. habend̃ ſibi & R. R. filio ſuo, & A. modo uxor̃ dicti N. pro termino vitæ eorum, & alterius eorum diutius viven,' ſucceſſive, ſecundum cōſ. manerii prad̃, per reddit̃ & ſervic' inde prius debit̃ & de jure conſuet̃, & dat̃ dom̄ pro tali ſtatu ſic inde habend̃ 3. li. Et fecit domino fidelitat̃, & admiſſus eſt inde tenens, &c. Et fidelitas prædict' R. & A. reſpectuatur quouſque.

Per I. W. Seneſc. ibid'.

Forisfactio de Cop. & recapt'.

Ad hanc cur̃, &c. homagium præsent̃, quod P. C. relict' nuper I. C. quæ de domino tenuit durant̃ viduitate sua secundum consuetudinem manerii unum mesuagium, &c. cum pertinentiis in A. cepit in virum R. L. per quod forisfecit stat̃ suum in præmissis, & sic rem̃ in manibus domin': super quo proclam̃ facta est, si quis, &c. Et super hoc venit præd̃ R. L. & cepit extra manus domini mesuagium, &c. cum suis pertinent̃, habend̃ sibi pro termino vitæ suæ secundum consuetud̃ maner̃ prædict' per reddit̃ & servic' inde prius debit̃ & de jur̃ cons. & dat̃ domino de fine pro tali statu sic inde habend̃ 6. li. Et fecit domino fidelitat̃, & admissus est inde tenens.

Conceſſ. reverſion.

Ad Cur̃, &c. venit W. H. & cepit extr̃ manus domini reversionem unius mesuagii, &c. cum pertinen' in Y. modo in tenura I. H. vid̃ nuper uxor̃ W. H. habend̃ & tenend̃ reversionem prædict' præfat̃ W. H. & B. filio suo pro termino vit̃ eor̃, & alterius eorum diutius viven', successive, secundum consuet̃ maner̃ præd̃, cum per mortem, sur̃sũredditionem, vel aliquam forisfactur̃ per præfat̃ I. aliquo modo fact' sive ppetrat̃ ad manus dom̃ accederẽ contigerit, per reddit̃ & servic' inde prius debit̃ & de jure cõ. & dat̃ dom̃ de fine pro tali reversion' sic inde habend̃ 7. li. Et fidelit̃ respectuat̃ quousq;, &c.

Obitus

Obitus.

Jur̃ præſent̃ quod I. C. qui de domino tenuit unum tenement. cum ſuis pertin' in Y. in quo I. C. pater præd̃ I. nuper habitavit, diem ſuum clauſit extremum circa ult̃ cur̃, unde accidit dom̃ pro heriot̃ unus bos precii xl. s. & deliberat̃ ad uſum dom̃ hujus manerii, de quo proclam̃ fact' fuit in cur̃, ſi quis, &c. Super quam venit Anna relict' prædict' I. & clamat præmiſſ. durant̃ viduitate ſua ſecundum conſuetudinem manerii per reddit̃ oper̃ conſuet̃ & ſervic' inde prius debit̃ & conſuet̃, &c.

Surr' & recaptio.

Ad hanc Curiam venit C. W. qui de domino tenuit per copiam Rotulor̃ cur̃ dat̃, &c. unum tenementum, &c. cum pertinentiis in E. quõdam in tenura R. C. & ea omnia ſurſum reddidit in manus domini, & totum ſtatum, titulum & intereſſe in præmiſſis, ea intentione, ut placeret domino novum inde conceſſum ſibi præfat̃ C. W. & aliis facere ſecundum conſuetudinem manerii prædict'; ſuper quam ſurſum redditionem accid' dom̃ p̃ herriot̃ ex conventione viginti ſolid. Et in eadem curia venit dictus C. W. & cepit extra manus domini dictum tenement̃, &c. cum ſuis pertin', habend̃ ſibi præfat̃ C. W. R. & I. W. filiis ſuis pro termino vitæ eorum, & alterius eorum diutius vivent̃, ſucceſſive, ſecundum conſuetudinem manerii prædict,' red̃ opera conſ. & ſervic' inde prius debit. & jure conſ. Et

Forisfactio de Cop. & recapt.

Ad hanc cur̄, &c. homagium præsent̄, quod P. C. relict' nuper I. C. quæ de domino tenuit durant̄ viduitate sua secundum consuetudinem manerii unum mesuagium, &c. cum pertinentiis in A. cepit in virum R. L. per quod forisfecit stat̄ suum in præmissis, & sic rem̄ in manibus domin': super quo proclam̄ facta est, si quis, &c. Et super hoc venit præd̄ R. L. & cepit extra manus domini mesuagium, &c. cum suis pertinent̄, habend̄ sibi pro termino vitæ suæ secundum consuetud̄ maner̄ prædict' per reddit̄ & servic' inde prius debit̄ & de jur̄ cons. & dat̄ domino de fine pro tali statu sic inde habend̄ 6. li. Et fecit domino fidelitat̄, & admissus est inde tenens.

Conceſſ. reversion.

Ad Cur̄, &c. venit W. H. & cepit extr̄ manus domini reversionem unius mesuagii, &c. cum pertinen' in Y. modo in tenura I. H. vid̄ nuper uxor̄ W. H. habend̄ & tenend̄ reversionem prædict' præfat̄ W. H. & B. filio suo pro termino vit̄ eor̄, & alterius eorum diutius viven', successive, secundum consuet̄ maner̄ præd̄, cum per mortem, sur̄sūredditionem, vel aliquam forisfactur̄ per præfat̄ I. aliquo modo fact' sive ppetrat̄ ad manus dom̄ accederi contigerit, per reddit̄ & servic' inde prius debit̄ & de jure cōs. & dat̄ dom̄ de fine pro tali reversion' sic inde habend̄ 7. li. Et fidelit̄ respectuat̄ quousq, &c.

Obitus

Obitus.

Jur̃ præſenṫ quod I. C. qui de domino tenuit unum tenement. cum ſuis pertin' in Y. in quo I. C. pater præd̃ I. nuper habitavit, diem ſuum clauſit extremum circa ult̃ cur̃, unde accidit dom̃ pro herioṫ unus bos precii xl. s. & deliberat̃ ad uſum dom̃ hujus manerii, de quo proclam̃ fact' fuit in cur̃, ſi quis, &c. Super quam venit Anna relict' prædict' I. & clamat præmiſſ. durant̃ viduitate ſua ſecundum conſuetudinem manerii per reddit̃ oper̃ conſuet̃ & ſervic' inde prius debit̃ & conſuet̃, &c.

Surr' & recaptio.

Ad hanc Curiam venit C. W. qui de domino tenuit per copiam Rotulor̃ cur̃ dat̃, &c. unum tenementum, &c. cum pertinentiis in E. quõdam in tenura R. C. & ea omnia ſurſum reddidit in manus domini, & totum ſtatum, titulum & intereſſe in præmiſſis, ea intentione, ut placeret domino novum inde conceſſum ſibi præfat̃ C. W. & aliis facere ſecundum conſuetudinem manerii prædict'; ſuper quam ſurſum redditionem accid̃ dom̃ p̃ herioṫ ex conventione viginṫ ſolid. Et in eadem curia venit dictus C. W. & cepit extra manus domini dictum tenement̃, &c. cum ſuis pertin', habend̃ ſibi præfat̃ C. W. R. & I. W. filiis ſuis pro termino vitæ eorum, & alterius eorum diutius vivent̃, ſucceſſive, ſecundum conſuetudinem manerii prædict,' red̃ opera conſ. & ſervic' inde prius debit. & jure conſ. Et

pro hujuſmodi ſtatu & ingreſſ. ſic inde habend̄ præd̄ C. W. dat domin' de fine 16. li. & fecit dom̄ fidelitat', & ſic prædict' C. W. admiſſus eſt ind̄ tenens: & fidelit' prædict' R. & I. reſpectuatur quouſque, &c.

Conceſſ. de Copihold de inheritance per le vierge.

Ad hanc Cur̄ dñus conceſſit extra manus ſuas per I. F. capital. Seneſc. ſuum T. D. & A. ux' ejus unum meſ', &c. cum omnibus ſuis pertin' jacen' apud B. quibus dominus per Seneſc. ſuum præd̄ cōceſſit ſeiſinam habend̄ ſibi & hær̄ ſuis de domino per virgam ad voluntatem domiñ ſecundum conſuetud̄ maner̄ præd̄; & dant dom̄ de feodo pro ingreſſ. inde habend̄ prout patet in capit': & fec' dom̄ fidelitat', & admiſſ. ſunt inde tenentes.

Conceſſ. pro annual' reddit'.

Ad hanc cur̄ dominus conceſſit per I. F. ſeneſchal' ſuum T.B. & M. uxor̄ ejus unum meſuagium cum 6 acr̄ terr̄, &c. cum pertin' præfat' T. M. hæred̄ & aſſignat' ſuis ad voluntat' domini ſecund̄ conſ. manerii, reddend̄ inde annuatim dom̄ hæred̄ & ſucceſſoribus ſuis, **if the Lord be a Biſhop, or a Dean, or ſuch like, ſix ſhillings eight pence**, pro omnibus & ſingulis ſervitiis ad duos anni terminos, viz. ad feſt. ſancti Mich. Archangel' & Añũciation' Beatæ Mar' virgin', æqual' portionibus; & dant dom̄ de fine, &c. & fecer. fidelit', & admiſſ. ſũt inde tenẽtes.

Curia

Curia en antient demean.

Ad hanc cur' tent' ibid' tali die & anno A.C. filius & hæres I. C. venit & ſurſum reddidit in manus dom̃ unum meſuag', &c. in D. infra juriſdictionem hujus cur̃, ad opus & uſum T. H. hæred' & aſſignat' ſuorum imperpetuum, virtute barganiæ ſive partitionis int' eos fact': & ſuper hoc publica proclam̃ in eadem curia fact' fuit, quod ſi quis aliquod jus ſeu titulum ad eadem meſuagium, terr', &c. vel in aliqua eorum pcel' prætendere voluit vel haberet, veniret & audiret̃; & null' venit ad hanc cur̃, per quod ſecũdum conſuetudinem maner. præd' meſuag. terr', &c. remaner. in manus domini uſque ad tertiam proclam̃ ſuper eiſd̃ factã. Et ſuper hoc dies dat. eſt partibus prædict' eſſendi ad prox. cur' maner' præd' ad audiend' inde judicium ſuum ſuper præmiſſ.

Et ad hanc cur. tent' ibid' tali die & tali ann̄ tam prædict' A. B. quam præd' T. H. venerunt, & ſuper hoc ſecunda proclam̃ fact' fuit ſuper præmiſſis, quod ſi aliquis aliquod jus vel titul' ad præd' meſuagiũ, terr', &c. haber' aut prætenderet, veniret & audiretur; & nullus venit. Et ſuper hoc dies dat' eſt partibus præd' eſſendi hic ad prox' cur' maner' præd' ad audiend' inde judic' ſuum ſuper præmiſſ.

Et ad hanc cur' ib' tent' tali die & ann' tam præd' A. C. quam T. H. vener', & ſuper hoc tertia proclam̃ fact' fuit ſuper præmiſſ. quod ſi aliquis aliquod jus vel titulum ad præd' meſuag', terr', &c. vel in aliqua eorum parcel' haber'

vel prætend', veniret & audiretur: & nullus adhuc venit. Et ſuper hoc dom̃ per I. H. Seneſchal' ſuum conceſſit ſeiſin' de præd' mes', &c. cum eorum pertin' præf. T. H. tenend' ſibi hær' & aſſign' ſuis ſecundum conſ. maner' præd'. & dat' dom̃ de fine pro ingreſſ. &c. & fecit dom̃ fidelit', & admiſſ. eſt inde tenens.

Alit' in ancient demeſne ubi uxor examinatur.

Ad cur' tent' ibidem tali die & an' T. B. de N. & E. uxor ejus in præſentia cur' ſola examinat' & confeſſa, ſurſum reddider' in manus dñi unum meſ. & dimidiat' bovat' terr' cum ſuis pertin' in D. præd' voc' R. ad opus W. C. de O. unde accidit domino unus equus de heriotto. Et ſuper hoc ven' dict' W. C. & cepit de domino dict' meſ. &c. cum pertin' habend' & tenend' ſibi & A. uxori ejus ſive hær' & aſſign' ipſius W. imperpet' ſecund' conſuet' maner' præd', per reddit' conſ. & ſervic' inde prius debit' & conſuet', & dant domino de fine pro ingreſſ. habend' in dict' meſuag. & cæter' præmiſſ. &c. Et dat' eſt eis ſeiſ. &c. & fecerunt fidelitat', & admiſſi ſunt inde tenentes.

Surr' ballivo extra cur'.

Ad hanc curiam, &c. compertum eſt, quod T. C. extra cur' ſurſum reddidit in manus I. D. ballivi in præſentia D. R. & aliorum tenentium domini hujus maner' hoc teſtan' unam acrā terr' in R. quondam T. R. ad opus W. I. cui dominus inde

inde conceſſit ſeiſin', tenend' ſibi & hæred', &c.

A ſurrender upon Condition.

Ad hanc curiam, &c. venit I. C. & ſurſum reddidit in manus domin' unum cotagium jacen', &c. ad opus & uſum I. A. tenend' ſibi & hæredibus ſuis de domin' ad voluntatem dom̃ ſecundum cõſuetud' maner̃ ſub conditionibus ſequen'; videlicet, ſi præd' I. A. ſolvat aut ſolvi faciat præfat̃ I. C. xl. s. ad feſtum ſancti Johannis Baptiſt. & omnium ſanctor̃ prox' futur̃ poſt dat̃ hujus cur' æqual' portionibus, quod tunc præſens ſurſum redditio ſit in ſuo robor̃ & effect' ; & ſi ipſe deficeret in ſolution' præd' in parte vel in toto, quod adtunc bene licebit præfat̃ I. C. & aſſign' ſuis reintrar̃ & rehabere præd' cotagium iſtud ſurſum reddit̃ aliqu' non obſtante. Et dat domino de fine, &c. & fecit fidelitat̃, & admiſſus eſt inde tenens.

Conceſſ. de copihold forisfact'.

Ad cur̃, &c. tent̃ tali die & an', &c. præcept̃ fuit ballivo ſeiſire in manus domini unum tenementum cum pertin' nuper in tenur̃ I. B. voc' R. eo qd' ipſe alienaverit & vendiderit dict̃ tenement̃ cuidã T. V. ſine licentia dom̃, &c. Et inde reſpondebit domino de exit. quouſque, &c. Et quod in iſta eadem cur̃ dom̃ ex ſua gratia ſpecial' conceſſit dict' tenement̃ cum pertin' præfat̃ I. B. cur̃ dom̃ inde conceſſit ſeiſin' habend' ſibi & hæred' ſuis, &c. de dom̃ ad volunt. ſecund' conſ. maner̃ præd', & dat. dom. de fine, &c.

Et fecit dom̃ fidelitatem, & admiſſus eſt indè tenens.

Copia pro termino annorum.

Ad hanc cur̃ dom̃ per I. F. Seneſchal. ſuum conceſſit E. R. unum meſuag', &c. cum pertinentiis voc' A. habend. & tenend' ſibi & aſſign. ſuis à feſt. ſancti Mich. Arch. prox. futur̃ poſt dat̃ hujus cur̃ uſque ad finem & term̃ quadraginț annor̃ extunc prox' ſequen. & plenar̃ complendorum, reddendo inde annuatim xx. s. ad duos anni term̃, viz. &c. per æqual' portiones. Proviſo ſemper, quod duran. termin. prædict. præd' dn̄us inveniet maeremium materiam & ligna toties quoties neceſſar̃ fuerit, dict' tenement̃ ad emendand', reparand' & ſuſtinendum. Et dat̃ dom̃ de fine, &c. Et fecit dom̃ fidel', & admiſſ. eſt inde tenens.

Releaſe in cur. de title.

Ad hanc cur̃ tenț̃, &c. comperț̃ eſt quod dom̃ per T. P. Seneſchal' ſuum, ad cur̃ tenț̃ apud C. tali die & anno, conceſſit ex manu ſua W. P. & hæredibus ſuis unam peciam terr' contin. circa tres acras terræ, ſive plus ſive minus habeat̃, quondā T. C. in A. jacen' ibid̃ inter terr' A. B. ex part̃ Auſtral' & terr' W. S. ex p̃t Boreal', habend' & tenend', &c. ad voluntatem dom̃ ſecund' conſ. maner'. Et poſtea venit quidam A. W. coram præf. T. P. ſeneſch. dom̃, & prætend' habere titulum in præd' pecia terræ, & hic præſens in cur' remiſit, relaxavit, & imperpetuum

petuum quiet clamavit præf. W. P. & hæredibus ſuis per licenc. dom̃ totum jus ſuum & clameum quæ habet vel habuit, vel in futur. haber' poterit, in præd' pecia terr', & in qualibet inde parcel', ita, viz. quod nec ipſe A. nec hæred' ſui, nec aliquis alius nomin' eorum, aliquod jus vel clameum in præd' pecia terr' de cætero exigere vel vindicare poterit, ſed ab omni actione juris vel clamei ſint excluſi imperpet̃ per præſent̃ & dat̃ dom̃, &c. & fecit fidel', &c.

Conceſſio hæred' poſt mortem patris.

Ad hanc cur. tent', &c. compertum eſt quod I. B. obiit ſeiſitus poſt ultim̃ cur', qui de domino tenuit ſibi & hæredibus ſuis unum tenement' vocat. E. & obiit inde ſeiſitus: & dicunt quod R. B. filius ejus, eſt & proxim̃ hær', & plenæ ætatis, vel infra ætatem, ſi ſoit deins age, videlicet, duodecim annorum, & in cuſtodia T. W. vel R. M. frater ejus vel conſanguin' ejus eſt proximus hæres ejuſd̃ & plenæ ætatis, & præſens hic in cur' petit admitti: & admiſſus eſt inde tenens, tenend' ſibi & hæredibus ſuis de domino ad volũtatem domin. ſecundum conſ. manerii, &c. & dat. domino de fine, &c. & fecit domino fidelit', &c.

Alit' ubi ſunt in taile le rem' ouſter.

Ad hanc curiam compertum eſt quod R. B. de A. ad curiam tent̃ tali die & anno, &c. apud E. ſurſum reddidit in manus domini unum tenẽt', &c. vocat. C. ad opus R. C. filii ejuſdem R. & A. uxoris

uxoris ſuæ, quibus domin' cõceſſit ſeiſinam tenẽd ſibi & hæredibus de corporibus eorum legitime procreat'. Et ſi prædict' R. & A. uxor ejus obierint ſine hæredibus de corporibus eorum legitime procreat', quod tunc prædict' tenẽt', &c. cum ſuis pertinentiis remaneant rectis hæredibus ipſius R. B. Et modo iſta cur. informatur per totum homagium, quod prædict' R. & A. obierunt ſine hæredibus legitim̃ inter eos procreat. & p̃d R. B. ſimilit'. Et ſuper hoc ven. I. B. frat. & hær. præd R. B. & pet. admit', & admiſſ. eſt tenens, &c. Et per licenc. domini præf. I. B. conceſſit præd tenẽt', &c. quæ ei remanſer. poſt mortem præd R. B. & R. C. & A. ux' ejus reman. W. C. & hær' ſuis: qui dom̃ eidem I. B. conceſſ. ſeiſin' tenend ad volunt' domin' ſecundum conſ. maner', & dat. dom̃ de fine, &c. & fecit dom̃ fidelit', &c.

Aliter pro termino vitæ cum diverſ. rem' ouſter.

Ad hanc cur. ven. A. T. & ſurſum reddidit in manus domini unum meſuag. & octo acr' terr' cuſtomar' vocat' I. ut dominus faciat inde ad voluntat' ſuam, & dom̃ inde habebit ſeiſin'. Et ex gratia ſua ſpeciali reconceſſit præd meſ. & terr' præd A. B. & K. uxori ejus duran' vita eor'. Ita q̃ poſt eor' deceſſũ præd terr' & tenẽt remaneant rectis hæred ipſius A. T. imp̃pet', tenẽd eiſd A. T. & I. uxori ejus durãt' tota vita eor' p̃ virgã ad volũtat' dom̃ ſecũd conſuet' maner' in forma p̃d ſalvo jure cujuſlib'. Et p̃d A. T. & K. dãt dom̃ de fine, &c. & fecer' fidel', &c.

Surr'

Surr' extra Cur' & rem' cum conditione in extremis.

Ad hanc cur̄ compertum eſt quod R. F. languens in extremis ſurſum reddidit in manus B. R. extr̄ cur̄ per manus I. H. in præſentia A.C. & B.D. tenen' hujus maner̄ hoc teſt. unum meſuagium cum pertin', &c. ad opus A. ux' præd̄ R. F. tenend̄ ſibi pro ſervitio inde debit̄ ſecund̄ conſuet̄ maner̄ pro termino vitæ ſuæ, ita quod poſt mortem dict' A. præd̄ meſuag. rem̄ I. filio præd̄ R. & A. & hæred̄ de corpor̄ ſuo legit̄ procreat̄. Et ſi contingat dict' R. obire ſine hæred̄ de corp' ſuo legit̄ procreat̄, tunc præd. meſ. remaneat R. filio præd̄ R. & A. & hæred̄ de corpor̄ ſuo legit̄ procreat̄: & ſi contingat dict. R. obire ſine hæred̄ de corpor̄ ſuo legit̄ procreat̄, quod tunc præd̄ meſ. per executores utriuſque eorum diutius viven' vendatur, & denar̄ inde recept̄ & provenientes in pauperes & alias eleemoſinas diſpōerent̄ vel diſtribuer̄, put eis melius videbit̄ expedire. Quibus dominus inde conceſſit ſeiſinā tenend̄ in form̄ præd̄ ad voluntat' dom̄ ſecund̄ conſ. maner̄. Et dant domino de fine, &c. & fec' fidelit', &c.

Supplicatio tenen' domino.

Ad hanc cur̄ venit R.C. inſtant' ſupplic̄, put ipſe per plurima tempora tranſact' ſupplicavit, & profert domino finem annualem ratione exemption̄, ut ipſe ex ſua gratia ſpecial' & favore ob cauſam ſenectutis, infirmitat' & debilitatis corporis

poris ſui poſſit exonerari de cætero ab õnibus & ſingulis inquiſitionibus, Jurat' & offic̃ quibuſcunque tam in hac villa quam alibi infra dict' manerium ſibi objiciend & aſſign': quapropter aſpectu vero ſenectut̃, una cum infirmitate & debilitate ſua, ſub fin' annual' nomine exemptionis inde prolat. ac ſuggeſtion̄ ejus per tenentes viſus ipſum veracit' magn. teſtificat. in præmiſſ. modo domin' conceſſit in iſta cur̃ per I. F. ſeneſchal' ſuum præfat' R. C. licentiam, favorem & exemptionem pro termino vitæ ſuæ. Et prædict' R. C. dat domino de annual' redd 4. d. ſolvend ad terminos uſuales.

Licenc' pro ſect' Cur'.

Ad hanc cur̃ ven' I. S. nativus domin' de fine pro ſect' Cur̃ reſpectuand per unum annum 2. s.

Licenc. ad maritand' filiam.

Ad hanc Cur. ven' I. S. nativus dom̃ hujus manerii, & petit licentiam ad marit' filiam ſuam infra dominium iſtud vel extra: & domin' per I. W. ſeneſchallum ſuum conceſſit licentiam, &c.

Licenc. dimittend' tenement' cuſtomar'.

Ad hanc cur. venit T. R. & petit licentiam à domino dimittend omnia & ſingula terr' & tenement' ſua cuſtomar' ſituat' jacent' & exiſten. infra dominium iſtud cuicunque perſonæ ſive quibuſcunque perſonis placuerit eidem T. R. pro termino & ad terminum 21 annorum proxim̃ ſequen' dat' hujus cur. Cui quidem

quidem T. R. dominus licentiam dedit in forma prædict' pro fine decem ſolidorum ſolut' in cur. ad uſum domin' hujus manerii.

Note, that there is no manner of eſtates made of free land by deed pole or deed indented, but the like eſtates may be made by copy of Court-roll of copyhold land, Land of inheritance, and entred into the Court-rolls: and the Steward is bound by Law and Conſcience to be an indifferent Judge between the Lord and his tenants, and to enter their copies truly in the Lords Court-rolls, the which are the Lords Regiſter to know his preſidents, cuſtomes, and ſervices. And alſo they are a great ſurety to the tenants, that if their copies by any caſuall means ſhould be loſt, they may reſort to the Lords Court-rolls, and the Steward may make them new copies, according to the old preſident in the Lords Court-Roll: like as at the Common Law, when a matter of variance between two men is paſſed by Verdict, and judgement given thereupon, is entred into the Kings Records, there it reſteth of record to be found, if occaſion ſerve to ſearch for it. And alſo if a Deed or a Patent be inrolled, there it remaineth of record to be ſeen, if need be, and any man that hath occaſion may have a copy thereof, if he ſue to the Judges and the Officers of the place where the record lieth; and he may have it exemplified under the ſeal of the offices of the ſame place where ſuch record lieth, if

he

he will be at the charge thereof. And also if a man have occasion, he may plead the same record in any of the Kings Courts. And the Lords Steward may doe the like with his Court-Rolls.

PLEAS

PLEAS

incident and belonging to the

COURT-BARON,

FORMEDON in REMAINDER.

And this is where there are Copiholders of Inheritance.

R. H. querit versus C. E. & A. uxorem ejus de placito terr̄, viz. de uno meſuag. duobus cotagiis, viginti acris prati & paſtur̄ cū pertinētiis in I. infra juriſdictionem hujus cur̄; & fecit proteſtationem proſequi querelam iſtam in forma & natur̄ brevis domini regis de forma donationis in le remaner̄ ad communem legem, & inven' pleg' de proſequend̄ querelam illam in forma & natura brevis, viz. I. H. & R. M. & petit proceſſ. ſuperinde ſibi fieri ſecund̄ conſuetudinem maner̄ prædict' verſus præd̄ C. & A. uxor̄ ejus. Ideo ſecundum conſuetu-

ſuetudinem manerī illius à temporī cujus contrarī memoria hominum non exiſtit uſitatī præcept. eſt ſubballivo maner. prædict' ac miniſtro Curī prædict', quod ſumm̄ per bonos ſumm̄ prædict' C. & A. quod ſint coram ſectatoribus Curī prædd ad proximm̄ curiam manerii prædict' die Jovis, viz. 20. die Junii, anno, &c. apud manerium prædd tenendd, ad reſpondendd præf. R. H. de prædicto placito, &c. Idem dies datī eſt præf. R. hic, &c. Ad quam quidem prox' Curī ven' tam prædict' R. H. quam prædict. C. & A. per I. R. Attorn' ſuum: & prædictus miniſter Curī prædict' retorn' hic in Curī, quod ipſe virtute præcepti prædict' ſibi directi ſumm̄ prædict' C. & A. per bonos ſumm̄, viz. per I. C. & R. R. eſſendi hic ad hanc Curī ad reſpondd præf. R. H. de prædicto placito prædict' unius meſuagii, duorum cotagiorum, viginti acrī terrī, viginti acrī prati, & viginti acrī paſturī, cum pertinentiis, prout ſibi præceptī fuit, &c. Et ſuper hoc prædd R. H. petit verſus præf. C. & A. tenementa prædict' cum pertinentiis, & jus & hæreditatem ſuam, dicendo quod quidam W. H. fuit ſeiſ. de tenementis prædd cum pertinentiis in dominico ſuo ut de feodo ad voluntatem domm̄ ſecundum conſ. manerii prædd. & ſic inde ſeiſitus exiſtens, ſecundum conſ. manerii illius à tempore quo non extat memoria hominum uſitatī & approbatī ad curī manerii prædd tenī apud I. infra præcinctū manerii prædd die Martis proximm̄ poſt feſtum P. anno regni, &c. per I. A. & T. P. deputatī ballivi manerii prædd in præſentia T. C. T. S. R. L. I. M. T. R. & I. B. tunc tenentes domin' manerī prædict', ſurſum reddidit in manus domin' tenementī

nement̃ præd̃ cum pertin' ad opus & uſum cujuſdam M. tunc uxoris præd̃ W. H. tenend̃ ad terminum vitæ ſuæ; & poſt deceſſum ejuſdem M. præd̃ tenement̃ cum pertinen' integre remanerent cuidam I. H. filio N. H. fratris prædict' W. H. & hæred̃ de corpore ſuo legitime procreat'; & pro defectu talis exit. ejuſd̃ I. præd̃ teñt cum pertinen' integre remaner̃ cuidam E. H. filiæ præd̃ W. H. tenend̃ ſibi & hæred̃ de corpore ſuo legitime procreat̃; & pro defectu talis exit̃ ejuſdem E. prædict' tenement̃ cum pertin' integr̃ remaner̃ rectis hæred̃ prædict' W. H. & hæred̃ ſuis imperpetuum. Virtute cujus quidem ſurſumredditionis præd̃ M. fuit ſeiſit̃ de tenementis præd̃ cum pertinentiis in dominico ſuo ut de libero tenemento ad voluntatem dom̃ ſecundum conſ. manerii prædict' tempore pacis tempor̃ præd̃ Regis Jacobi, capiend̃ inde exples. ad valenc', &c. Et de ipſa M. remanſit jus per formam ſurſumredditionis prædict' ſecundum conſuetud̃ manerii præd̃ I. H. per quod idem I. fuit ſeiſit̃ de tenement̃ præd̃ cum pertinen' in domin' ſuo ut de feodo taliat̃ ad voluntatem dom̃ ſecundum conſuet̃ manerii præd̃ per formam ſurſumredditionis præd̃ tempore pacis tempor̃ dom̃ Edwardi nuper regis Angl' ſecundi, capiend̃ inde exples. ad valenc', &c. Et de ipſo I. poſt mortem præd̃ E. eo quod uterque præd̃ I. & E. obiit ſine hæred̃ de corpor̃ ſuo legitime procreat̃ remanſit jus per form̃ ſurſumreddition. præd̃ ſecundum conſ. maner̃ præd̃ iſti R. H. qui nunc petit, viz. ut fil' & hær̃ N. H. fratr̃ & hæred̃ præd̃ W. H. Et inde produc' ſect', &c.

Et prædict' C. & A. per T. H. Attorn' ſuum ven' & defend' jus ſuum quando, &c. Et dic', quod prædict' W. H. non dedit tenement' prædict' cum pertinentiis præfat' R. H. & hæred' de corpore ſuo exeunt', ita quod ſi idem W. H. obierit ſine hæred' de corpore ſuo exeunt', tenement' cum pertinentiis præfat' R. H. & hæred' de corpore ſuo exeunt' remanſ imperpetuum in forma quæ à prædict' R. H. per breve & narrationem ſuam præd' ſupponitur. Et de hoc, &c. Ideo duodecimo, &c.

Plaints de Mortdanceſtor.

R. C. queritur verſus W. L. & E. uxor' ejus de placito terr', viz. de uno meſuagio triginſ acr' prati & cent' acr' paſtur' cum pertinentiis in I. infra juriſdictionem hujus cur', & fecit proteſtationem proſequi querelam ſuam in form' & natur' brevis Domini Regis aſſiſæ mortis anteceſſoris ad communem legem, &c. Et petit proceſſ. pro eo fieri ſecundum conſ. hujus manerii in forma & natura brevis prædict' dirigend' ballivo & miniſtris hujus cur'; & qd' iidē ballivi & miniſtri per mandat' & præcept' dom' hujus manerii & ſecundum conſ. ejuſdem maner' ſum' per bonos ſum' xii. probos & legales homines de homagio hujus manerii, quod ſint coram ſeneſch. ejuſdem manerii ad prox. cur' infra maner' iſtud tenend' parati ſacramentum cognoſcere, Si R. C. pat' prædict' R. fuit ſeiſit' in dominico ſuo ut de feodo ad voluntatem dom' ſecundum conſ. manerii iſt' us die quo obiit de & in uno meſuag' triginſ acr' prati & cent' acr' paſturæ de terr' cuſtom' hujus

jus manerii cum pertinen' voc' C. infra jurisdictionem hujus cur̄ die quo obiit; & si idem R. pater obiit infra quinquagint̄ annos jam ultim̄ elapsos; & si prædict' R. filius sit propinquus hæres prædict' R. patris: & interim terr̄ & tenement̄ prædict' videant: & quod sum̄ per bonos sum̄ præd̄ W. & E. qui easdem terr̄ & tenement̄ nunc tenent, quod sint ibi ad audiend̄ recogn'& inven' pleg. ad prosequend̄ querelā suā præd̄, viz. I. Doo, R. Roo.

Barre.

Et modo hic ad hanc cur̄ ven' præd̄ W. L. in propria persona sua, & dic' quod prædict' R. pater prædict' quer̄ non fuit seisit̄ in dominico suo ut de feodo ad voluntatem domini secundum cōsuetudinem hujus manetii die quo obiit de prædict. mesuagio & triginț acr̄ prati & centț acr̄ pastur̄ cum pertin̄ modo & forma prout per præd̄ quer̄ prius supponitur. Et hoc petit quod inquiratur per assisam: & præd̄ querens similiter, &c.

Entrie in le Per & Cui.

Ad hanc cur̄ ven̄ I. N. in propria persona sua, & queritur versus T. M. de placito terræ, videlicet, de uno mesuagio, uno gardino & uno pomar̄ cum pertinen̄. Et inven̄ pleg. de prosequendo querelam suam prædict', viz. I. D. & R. R. & protestatur prosequi querelam suam præd̄ de prædicto mesuagio, gardin̄ & pomar̄ cum pertinentiis in L. in natura & forma brevis domini regis de

ingreſſ. in le Per & Cui, dicendo, quod idem meſuagium, gard & pomar cum pertinentiis ſunt jus & hæred ſua ſecundū conſ. manerii præd, & in quæ præd T. M. non habet ingreſſ. niſi per E. nuper uxorem W. M. & fil' R. P. cui præfat R. P. & M. uxor ſuæ illa dimiſit R. M. per rem ipſius I. N. infra quinquagint' annos jam ultim elapſos, &c. Et petit proceſſum inde ſibi fieri verſus præfat' T. M. ſecundum conſuet' maner. Ideo ſecundum conſuet' maner illius præcept' eſt I. B. ſubballivo ejuſdem maner ac miniſtro cur prædict', quod ſecundum conſ. manerii præd ſum per bonos ſum præfat' T. M. quod ſit ibi ad prox' cur', ſcil. 4. die M. proxim futur', hic tenend, ad reſpond præfat' I. N. de placito prædict', &c. Idem dies dat' eſt I. N. hic, &c.

Common recoverie in droit patent by conſent.

Ad hanc curiam venit A. B. civis & mercator L. in propria perſona ſua, & queritur verſus W. W. de placito terræ, videlicet, de uno meſuagio, uno gardin' & una acr terr cum pertin in I. tent de iſto manerio per copiam rotulorum Cur, & fecit proteſtationem proſequi querelam ſuam præd in cur prædict' in forma & natura bris dom regis de rect' patent' ad communem legem ſecundum conſ. manerii præd; & inven pleg' de proſequend querelam ſuam præd hic in eadē cur, ſcil. Jo. Den, & R. Fen: & pet proceſſ. ſuperinde fieri verſus præf. W. W. ſecund cōſ. manerii præd. Ideo ſecundum conſ. manerii præd præcept fuit I. S. ballivo maner præd ac miniſtro

miniſtro cur̄ illius, quod ſum̄ præd̄ W. W. ita quod ſit hic ad prox' cur̄ maner̄ præd̄ hic, ſcil. die Sat̄ 4. die Januar̄ tenend̄ ad reſp. præd̄ A. B. de placito prædict', & quod tunc habeat ib̄ d̄ nomina ſum̄ & hoc breve: & idem dies dat̄ eſt petenti hic, &c. Et modo ſcilicet ad hanc Cur̄ ven̄ præd̄ W. W. in propria perſona ſua, & in plena cur̄ hic gratis obtulit ad reſpond̄ præd̄ A. B. de placit. prædict' per bonos ſum̄ ſuos, ſcilicet I. D. & R. R. ſecundum conſ. manerii prædict'. Et ſuper hoc modo ad hanc cur̄ prædict' A. B. ſcil. in propria perſona ſua venit, & petit verſ. præd̄ W. W. meſuag. præd̄, gardin̄ & acr̄ terr̄ prædict' cum pertinen̄ in I. præd̄ ten̄t de iſto manerio per copiam rotulorum cur̄ iſt. ut jus & hæreditatem ſuam, & unde dic' quod ipſemet fuit ſeiſit̄ de ten̄t præd̄ cum pertinen̄ in dominico ſuo ut de feodo & jure ſecundum conſuetudin' manerii prædict' tempor̄ pacis tempore dom̄ regis nunc, capiend̄ inde exples. ad valenc', &c. Et quod tale ſit jus ſuum offert, &c.

Reſponſ.

Et prædictus W. W. venit & defendit jus ſuum quando, &c. & ſeiſin. ejus, de qua ſeiſina, &c. ut de feod̄ & jure, &c. & maxim̄ de tenementis prædict' cum pertinen', & totum, &c. Et ponit ſe ſuper homagium præd̄ dom̄ regis cur̄ prædict' ſecundum conſ. manerii præd̄, & petit recogn' fieri utrum ipſe magis jus habet tenend̄ tenement̄ præd̄ cum pertin' ſicut ille tenet, an prædict' A. B. hab' tenement̄ prædict' cum pertin' ſicut ille ſuperius petit, &c.

Imparlance.

Et prædᵈ A. B. petit licentiam inde interloquendᵈ uſque horam xi. ante meridiem ejuſdem diei; & habeat, &c. & eadem hora dat. eſt præf. W. hic, &c. Et poſtea idem A. B. revenit hic in curᵉ iſto eodem die ad prædict. horã in ꝓpria perſona ſua; & prædᵈ W. W. licet ſolemnit exactᵉ non revenit, ſed in contemptu curᵉ receſſit & defaltᵉ fecit. Ideo ſecundum conſuetudinᵉ manerii prædictᵉ conceſſ. eſt per curᵉ quod prædᵈ A. B. recuperet ſeiſinam ſuam verſus prædictᵉ W. W. de tenementis prædictᵉ cum pertinᵉ ſecundum conſ. manerᵉ prædᵈ, tenendᵈ eidem A. B. & hæredᵈ ſuis ſecundᵈ conſ. dicti manerᵉ quietᵉ de prædᵈ W. W. & hæredᵈ ſuis imperpetᵉ: & idem W. W. in miſericordia, &c. Et modo ad iſtam curᵉ domᵐ in executione judicii & recuperationis prædᵈ per Seneſch. ſuum conceſſit præfatᵉ A. B. de tenementᵉ prædictᵉ cum pertinᵉ ſeiſinᵉ, tenendᵈ ſibi hæredᵈ & aſſignᵉ ſuis per virgam ad volunt. domᵐ ſecundum conſ. hujus manerii: & fecit inde domᵐ finem & fidelitᵉ, & admiſſ. eſt inde tenens.

Et poſtea ſcilicet ad iſtam eandem curᵉ prædᵈ A. B. ad tunc præſens exiſtens venᵉ, ac prædᵈ W. W. ſurſ. reddidit in manus domᵐ tenᵗ prædᵈ cum pertinᵉ ad opus & uſum prædictᵉ A. B. hæredᵈ & aſſignatᵉ ſuorum imperpetᵉ. Et ultrᵉ prædictᵉ W. W. remiſit, relaxavit, & omnino pro ſe & hæredᵈ ſuis imperpetᵉ quietᵉ clamᵐ præf. A. B. hæredᵈ & aſſignatᵉ ſuis in ſua plena & pacifica poſſeſſionᵉ & ſeiſinᵉ exiſtenᵉ die confectionis præſentᵉ totũ

jus,

jus, ſtatum, titul', clameū, intereſſe, ſeu demand ſua quæcunque quæ unquam habuit, habet, ſeu quoviſmodo in futur̄ habere poterit, de aut in tenementis prædictis cum pertinentiis, aut in aliqua parcella eorundem, ita viz. quod nec præf. W.W. nec hæred. ſui aut ull. eorum aliquod jus, titulum, ſtatum, clam̄, intereſſe ſeu demand de aut in tenement̄ præd cū pertinentiis ſuis, nec in aliqua parcel' eorund, de cæter̄ exigere, clamare ſeu vindicare poterint nec debent in futur̄, ſed ab omni actione juris, tituli, clam̄, uſus, intereſſe & demand inde petend imperpet̄ ſint excluſi, & quilibet eorum ſit excluſus imperpet̄ per præſent̄. Et præterea præfat̄ W. W. conceſſit pro ſe & hæredibus ſuis, quod ipſe warrant̄ tenement̄ præd cum pertinen' præfat̄ A.B. & hæredibus ſuis contra omnes homines imperpetuum.

Common recoverie in Entrie in le Poſt by conſent.

Et poſtea ſcilicet ad iſtam cur̄ venerunt R.M. & W. M. & querunt̄ verſus prædict' M. M. de placito terr̄, viz. de prædict' oct' acr̄ prati, & fec̄ proteſtationem ſequi querelam iſtam in form̄ & natur̄ brevis domini regis de ingreſſ. ſuper diſſeiſinam in le Poſt. Et ſuper hoc præd R. & W. M. in propriis perſonis ſuis petunt verſus præd M. M. præd octo acr̄ prati cum pertinen' in I. infra juriſdictionē hujus cur̄ ut jus & hæreditat̄ ſuam, & in quas idem M. M. non hab. ingreſ. niſi poſt diſſeiſinam quam H. H. inde injuſte & ſine judicio fecit præf. R. & W. infra

trigint̃ annos jam ulterius elapsos, &c. Et unde dicunt quod ipsimet fuerunt seisiti de prad̃ octo acr̃ prati cum pertinen' in dominico suo ut de feodo & jure ad voluntatem domini secundum cons. manerii prædict', capiend̃ inde exples. ad valenc', &c. Et in quas, &c. Et inde produc̃ sect' &c.

Et prædict' M. M. in propria persona sua ven̄ & defend̃ jus suum quando, &c. & vocat inde ad warrant̃ prad̃ W. T. qui præsens est hic in cur̃ in propria persona sua, & gratis prædict' octo acr̃ prati cum pertinen' ei warrant̃. Et super hoc præd̃ R. & W. M. petunt versus ipsum W. T. tenent̃ per warrant̃ suam præd̃ octo acr̃ prati cũ pertinen̄ in dominico suo ut de feodo & jure ad voluntatem domini secundum cons. manerii prædict' tempore pac' tempor̃ dom̃ regis nunc, capiẽd̃ inde exples. ad valenc', &c. Et in quas, &c. Et inde produc' sect', &c.

Et prædict' W. S. tenens per warrant̃ suam defend̃ jus suum quando, &c. Et ulterius vocat inde ad warrant' C. D. qui scilicet præsens est hic in cur̃ in propria person̄ sua, & gratis prædict' octo acr̃ prati cum pertinentiis ei warr', &c. Et super hoc iidem R. & W. M. petunt versus ipsum C. tenen' ad warrant' prædict' octo acras prati cum pertinen'. Unde dicunt quod ipsimet fuerunt seisiti de eisdem octo acris prati cum pertin' in dominico suo ut de feodo & jure ad volunt. dom̃ secund̃ cons. manerii præd̃ tempor' pacis tempore domini regis nunc, capiend̃ inde exples. ad valenc', &c. Et in quas, &c. Et inde produc' sect', &c.

Et prædict' R. & W. M. petunt licentiam inter-

interloquend; & habent, &c. Et postea iidem R. & W. M. revenerunt hic in cur' ad istam eandem curiam in propriis personis suis; & prædict' T. licet solempniter exact' fuit non reven', sed in contemptu cur' recessit, & defalt' fecit. Ideo conces. est, quod prædict' R. & W. M. recuperent seisinam suam versus præfat' M. M. de prædict' octo acris prati cum pertin', &c. & qd' idem M. M. habeat de terra præd' W. T. ad valenc', &c. & quod idem W. T. ulterius habeat de terra præd' C. D. ad valenc', &c. Et idem C. in misericordia, &c. Et super hoc prædict. R. & W. M. petunt præcept' de habere faciend' eis plenar' seisinam de prædict' octo acr' prati cum pertinen' ministro cur' præd' dirigend: & eis conceditur rationabil' hic, &c. Et postea, scilicet isto eodem primo die Aprilis, ven' hic in cur' prædict' R. & W. M. in propriis personis suis, & minist' cui' prædict', videl' R. W. certificavit cur' præd, quod ipse virtute præcept' p̄d' sibi inde direct' dict' primo die Aprilis habere fecit præf. R. & W. M. plenam seisinam de præd' octo acr' prati cum pertin', prout p̄ præcept. prædict. sibi mandat' fuit, &c.

Et postea scilicet ad istam eandem curiam prædict' R. & W. M. & prædict' W. T. adtunc præsent' existen̄ venerunt, ac sursum reddiderunt in manus dom̄ in eadem cur' præd' octo acr' prati cum pertin̄ ad opus & usum præd' M. M. har' & assign. suorum: cui dom̄ per seneschallum suum prædict' concessit inde seisinam per virgā, habend' & tenend' sibi & hæred' suis ad voluntatem domini secund' consuet' maner' præd, &c. Et ulterius præd' R. & W. M. & W. T. remiserunt,

runt, relaxarunt, & omnino pro ſe & hæredibus ſuis imperpetuum quiet̃ clam̃ præfat̃ M. M. hæredibus & aſſign' ſuis in ſua plena & pacifica poſſeſſione & ſeiſina exiſten̄ in plena cur̄ totum jus, ſtatum, titulum, clameum, intereſſe ſeu demand̄ ſua quæcunque quæ unquam habuerunt, habent, ſeu quoviſmodo in futur̄ habere poterint, de aut in prædict' octo acr̄ prati cum pertinentiis, aut in aliqua inde parcel', ita viz. quod nec præf. R. & W. M. & W. T. nec hæred̄ ſui aut aliquis eorum aliquod jus, titulum, ſtatum, clameum, intereſſe ſeu demand̄ de aut in prædict' octo acr̄ prati cum pertinentiis ſuis de cæter̄ exigere, clamare ſeu vindicare poterint nec debēt in futur̄, ſed ab ōni occaſion' juris, tituli, clamei, uſus, intereſſe & demand̄ inde petend̄ ſint excluſi, & quilibet eorum ſit excluſus imperpetuum per præſentes. Et præterea prædict' W. T. conceſſit pro ſe & hær̄ ſuis, quod ipſe warr̄ præd̄ octo acr̄ prati cum pertin' præf. M. M. & hæredibus ſuis con̄ omnes homines imperpetuum, &c.

De ſur emiſſet.

G. B. queritur verſus R. C. de placito debit̃ xxx. s. iiij. d. pro eo, viz. quod cum prædict' R. T. decimo die Aprilis ann̄, &c. apud I. infra juriſdictionem hujus cur̄ emiſſet de eodem G. B. treſdecim ligneas olei vocat̃ **meat opl** pro quindecim ſolidis & tribus denariis, unam centenam de madder̄ pro quindecim ſolidis & uno denario, ſolvend̄ eidem G. B. cum inde requiſit̃ fuiſſet, quæ quidem ſummæ in toto ſe attingunt ad præd̄ xxx. s. iiij. d. præd̄ tamen R. C. licet

licet ſæpius requiſit̄ prædict' xxx. s. iiij. d. eidē G. B. nondum redd̄, ſed ill' ei hucuſque reddere contradixit & adhuc contradic': unde dic̄ quod deterioraī eſt & dampn' habet ad valenc̄ x. s. Et inde produc̄ ſect', &c.

Et prædict' R. C. per I. A. attornatum ſuum ven̄ & defend̄ vim & injur̄ quando, &c. Et dic̄ quod ipſe non debet præfaī G. B. prædict' xxx. s. iiij. d. nec aliquem denarium inde in forma qua idem G. B. ſuperius verſus eum queritur. Ideo conſ. eſt quod prædict' R. C. vadat inde legem ſuam ſe duoden' manu pleg. de lege I. M. & R. F. Et vener' cum lege ſua hic ad proxim̄ cur̄ in propria perſona ſua; & dict' eſt præfaī Attorn̄ prædict' R. T. quod tunc hab. hic eundem R. C. magiſtrum ſuum in propria perſona ſua ad perficiend̄ legem ſuam prædict', &c.

Ad quē diē hic ven. prædict' R. C. & ꝓfecit inde legē ſuā p̄d̄ ſe 12. manu prout eſt ſuperius vad̄. Ideo conc̄ eſt ꝙ p̄d̄ quer̄ nihil capiat ꝑ placitū ſuū p̄d̄, ſed ſit in mīa pro falſo clamore ſuo inde, &c. & ꝙ p̄d̄ def. eat inde ſine die.

And as for all other actions which will lie in this Court, you ſhall find ſufficient preſidents for them in the Hundred Court, parcell of this Book, whereunto I refer you.

Breve de Grand Cape.

I. W. Seneſchallus ballivo ejuſdem manerii ſalutem. Tibi præcipio quod capias in manum dom̄ per viſum proborum & legalium hominum de manerio iſto tertiam partem unius meſuag. & viginti acr̄ terr̄ cum pertinentiis in I. quam A. I.

in

in cur̄ iſta, &c. clam̄ verſus T. I. nuper de I. ut dotem ipſius A. ex donation' prædict' C. I. quondam viri ſui per breve de dote, unde nihil habet pro defectu ipſius T. Et diem captionis ſcir̄ fac̄ mihi; & ſum̄ per bonos ſum̄ præd T. quod ſit hic ad proxim̄ cur̄ inde reſpond̄, & oſtend̄ quare non fuit hic ad ultimam cur̄ ſicut ſum̄ fuit. Et habeas ibi nomina eorum quibus hāc feceris ſum̄. Teſte, &c.

Le entrie de grand Cape.

A. quæ fuit uxor C. L. per A. B. atturnatum ſuum obtulit ſe ad iſtam curiam verſus T. I. de placito tertiæ partis unius meſuagii & viginti acr̄ terræ cum pertinentiis in I. quæ eadem A. in cur̄ iſta hic clamat ut dotem ſuam ex dotatione prædict' I. C. quondam viri ſui, eo quod tenement̄ pradict' ſunt infra dominium iſtud. Et mulieres quæ poſt mortem virorum ſuorum de tenementis in I. prædict' exiſtent̄ dotabiles ſunt ſecundum conſuetudinem de eodem manerio A. tempore quo non extat memoria hominum uſitat̄ de tertia parte eorundem dotari debent, &c. Et ipſe non venit & ſummon', &c. Ideo per judicium cur̄ tertia pars prædict. cum pertinentiis capiatur in manum domini, &c. Et diem, &c. prædict̄ ſum̄ quod ſit hic ad prox. cur̄, &c.

Petit Cape.

I. W. Seneſchallus ballivo ejuſdem ſalut̄. Tibi præcipio quod capias in manum domin̄ per viſū proborum & legalium hominum de manerio iſto unum

unum meſuagium cum pertinentiis quod A. C. in cur̄ iſta clam̄ ut jus ſuum verſus B. R. per querel' de forma donationis in le remanēr pro defectu ipſius B. & diem captionis ſcir̄ fac̄ mihi ad prox. cur̄: & ſum̄ præd̄ B. R. quod ſit hic coram, &c. tali die inde reſponſur̄, & oſtenſur', quare non fuit hic in cur' iſta coram, &c. tali die prox. præterit̄ ſicut ſum̄ fuit. Et habeas ibi hoc præcept̄, & qualit̄, &c.

Le entrie de petit Cape.

T. Q. ar̄ & I. uxor ejus per atturnatum ſuū oppon̄ ſe quarto die verſus H. B. de I. & A. uxorē ejus de placit̄ tertiæ partis octo meſuagiorum & octo virgat̄ terr' cum pertinen' in I. quam præd̄ T. & I. in cur' iſta clam̄ ut dotem ipſius I. ex dotatione G. S. quondam viri ſui verſus eos, & ipſe non ven', & habuerunt inde diem hic uſque ad hunc diem, ſcilicet decim. diem, &c. poſtquam alias comparuerunt hic in cur'. Ideo per judicium tertia pars præd̄ cum pertin' capiatur in manum dom̄. Et ipſi ſum̄, &c. quod ſint hic in die, &c. auditur' inde judicium ſuum, &c.

Habere facias ſeiſinam.

I. W. Seneſch. ballivo ejuſdem ſalut̄. Scias quod A. B. in cur' tenta tali die per conſideration̄ ejuſdem cur' recuperavit ſeiſinam unam verſus B. C. de oct' acr' terr' cum pertin' in I. per defalt̄ B. & ideo tibi præcipio quod eidem A. B. plenariam ſeiſinam de tenement̄ præd̄ cum pertin̄ ſine dilatione habere facias: & habeas ibi hoc præcept̄, & qualit̄, &c. Dat̄, &c.

THE

The manner and form how to keep a HUNDRED COURT, or COURT-BARON commonly called a three-weeks Court, and a Court of ancient Demeſn, as followeth.

FIrſt, the Steward muſt enter in his Court-Book the ſtile of the Court, thus; Cur' R. T. Mil' manerii ſive hundred de A. Weſtbrook tenᵗ ibid tali die & ann', reciting the Kings ſtile at large, coram A. B. & C. D. ſect' ejuſdem Cur'.

This done, then the Bailiff muſt ſay, O-yes, that is, he muſt make an O-yes, and ſay, Eſſoins and profers before the Court three times: and then ſay, All manner of perſons that have any thing to doe at this Court draw near, and give your attendance; and if any man will be eſſoined, let him come forth, and he ſhall be received; or if any man will enter any plaints, let him come, and he ſhall be heard.

This

This done, if any man will enter any plaints, you must enter them after this manner:

A. B. queritur versus C. D. de placito debit̃, vel de placito transgressiõn, vel de placito captionis & injustæ detentionis averiorum suorum, vel simil', &c.

And if any man will be essoined, you must enter their essoins thus:

I. S. Essoiñ est pro sect' cur̃ per W. D.

Also there be four other manner of essoins which are seldome used to be cast, and these be they: viz. If a man be in the Kings wars, or Embassage, or in any other of the Kings business, or beyond the seas, or if any man be sick in his bed, or if any man be letted or hindred by water, so that he cannot come to the Court: which essoins must be entred after this manner.

I. S. essonat̃ est quia est in servic̃ domini regis, &c.

A. S. esson' est quia est ultra mare.

T. S. esson' est quia est de malo lecti.

W. G. esson' est quia non potuit venire propt̃ fluxum vel altitudinem aquæ.

And there be two other manner of essoins which are in plea, the one after summons or attachment, and the other after issue joyned: One is to be entred after this manner.

I. S. qui sum̃on' fuit vel attachiat̃ fuit essendi hic ad hãc curiã, ad respõdẽd̃ T. K. de placito debit̃, vel similiter, modo esson' est per D. W. &c.

And the other must be entred after this manner.

I. S.

I. S. qui habuit diem usque ad hanc cur' ad exit' junct' inter T. K. quer' & I. W. defend' modo esson' est per D. W. &c.

And if it be upon a wager in Law, then it must be entred after this manner:

I. S. qui habuit diem ad hanc cur' ad faciend' legem suam versus T. K. quer' in placito debiti modo esson' est per W. D.

And in like manner the plaintiff may be essoined if he will: and if the one party be essoined at one Court, the other party may be essoined at the next Court following.

And you must understand, that whosoever will cast any essoin in these Courts, he must come at the beginning of the Court when proclamation is made, or else he ought not to be received.

And note also, that in all these cases following the party cannot be essoined: first, if he have an Atturney in the self-same plea present in the Court, or if the party himself be seen in the Court, or if there be no plea, if the party made default at the last Court before, then he cannot be essoined, or if he come in by Cepi corpus, or distresse, or if he come in the end of the Court, he cannot be essoined, as appeareth by the statute of Essoins made in the 21. year of E. 2.

And you must also understand, that for every default that the defendant maketh after his appearance, and day given to answer or to doe his Law, if he then make default at any day, he shall be called non-suit, and he and his pledges amerced: and that is where the plaintiff

is a

is a ſtranger dwelling out of the jurisdiction of the Court, where he finds pledges; if the caſe ſhould paſſe againſt him, his pledges muſt then pay the defendants coſt: which is a thing ever reaſonable, but ſeldome or never uſed.

And the Steward of the Court, at the beginning of the Court, muſt inquire of the bailiff how he hath ſerved the attachments and diſtreſſes and other præcepts to him directed: and if he ſay that they were ſerved, then call the parties; and if the plaintiff have not his declaration ready when the defendant appeareth, he muſt be called non-ſuit, thus. A. B. come forth, and proſecute thy action againſt C. D. or elſe thou wilt be non ſuit. And if he come not forth ſedente cur̄, or come for him, to crave further time to declare, which the Court in diſcretion may grant him, then he ſhall be non-ſuit of courſe; and if the defendant make default, proceſſe muſt go forth againſt him. And in a perſonall Action the proceſſes are ſummons, attachment, and diſtreſſe infinite: which attachments and diſtreſſes muſt be reaſonable, & not outrageous, according to the ſtatute of Marlebridge, cap. 4. And if the defendant make default upon the attachment or diſtreſſe, they being ſerved, and ſo returned by the bailiff, then the goods ſo taken by attachment or diſtreſſe be forfeit to the Lord of the Court, and the defendant ſhall alſo be amerced, and a new Diſtringas ſhall goe out againſt him. And if the defendant appear, and then after make default, he ſhall be condemned by default, and a nihil dicit entred againſt him; and the ſteward

must enter both the effect of the declaration for the plaintiff, and of the plea or answer for the defendant.

And if the parties plead to an issue triable by an Inquest, processe must be made to summon the Jury, viz. a Venire fac. And if the defendant be condemned either by default, or by verdict, then a Levari fac shall be awarded to make levy of his goods, and thereupon the defendants goods shall be taken, praised, and sold, to satisfie the party plaintiff: and if the defendant have no goods whereupon levy may be made, then the plaintiff is without remedy; except it be by a private custome which is used in some places to take the body, then the body may be taken by a capias ad satisfac and laid in prison, there to remain untill the plaintiff be satisfied. But you must understand that in a County Court, Hundred Court, or Court Baron, there can be no plea held where the debt or damages amount to ten shillings or above.

And it is a Maxim in Law, that in all Courts which are not Courts of record, the matter, if it be for debt, ought to be tried by oath, that is, by wager of law by the defendant and not otherwise, unlesse it be by assent of both parties.

The

The form of Proceſſe in baſe Courts, which are Courts of Record.

A Summons.

PRæc̄ eſt ballivo ibidem quod ſum̄ fac̄ C. D. quod ſit hic ad proxim̄ cur̄ ad reſpond̄ A.B. in placito debiti, detention̄, trn̄s, vel ſimil'.

An Attachment.

Præc̄ eſt ballivo ibid̄ quod attachiet C.D. per bona & catall' ſua, quod ſit ad prox. cur̄ ad reſpōdend̄ A. B. de placito debit̄, vel ſimil'.

A Diſtringas.

Præc̄ eſt ballivo ibid̄ quod diſtring. E.D. per bona & catall' ſua quod ſit ad prox. cur̄ ad reſpond̄ A. B. de plac̄ debiti, &c. Teſte I. W. gen' Seneſch. ibidem.

Al. diſtring. & Plur' diſtring'.

Præc̄ eſt ballivo ibid̄, ſicut al' vel ſicut plur̄ t. bi præcept̄ fuit, quod diſtringas, &c. ut ſupra.

A Venire fac.

Præc̄ eſt ballivo ibid̄ quod ven' fac̄ 12. probos & legales hōines de balliva ſua quod ſint hic ad prox' cur̄ ad triand̄ exit̄ injunct' inter A. B. quer̄ & C. D. def. de placito debiti, vel ſimil.

And if a full Jury do not appear, then as many as make default, and be not eſſoined, ſhall be amerced, and a Decem tales awarded to ſummon ten more, as followeth, and the ſame day given to the firſt Jury.

Decem tales.

Præc̄ eſt ballivo ibid̄ quod venire fac̄ decem tales probos & legales homines de balliva ſua, quod ſint hic ad prox. cur̄ cum aliis qui ſibi ad-tunc & ibidem aſſocientur ad triand̄ exit̄ junct' int̄ A.B. quer̄ & C. D. defend̄ de placito debiti, vel ſimil'.

At which day as many as make default, and be not eſſoined, ſhall be amerced; and then an Octo tales ſhall be awarded, and after that, if need be, a Sex tales.

And if there appear a full Jury, then both the parties ſhall have their challenges lawfull to the Jurors; and if the Jury find for the plaint. then they muſt give coſt of ſuit and damages: and in the like manner they ſhall aſſeſſe damages, if they find for an Advowant in a Repleyin, &c.

A Le-

A Levare fac'.

Præc̃ ballivo ibid̃ quod de bonis & catallis C. D. levare fac̃ 20. s. quos A. B. in hac cur̃ recuper̃ vers. eum in placito debiti, vel simil', & pro mis. & custagiis suis 12. d. ita qd' den' illos habeat hic ad prox' cur̃ ad reddend̃ præd̃ A. B. Teste, &c.

And if the Bailiff return that he can find no goods of the said C. D. then if the custome serve, he may have a Capias to take the body and lay him in prison untill such time as he hath satisfied the party. The form of which precept is thus:

A Cap' ad satisf.

Præc̃ est ballivo ibid̃ quod capiat C. D. & eum in prisona sua salvo custod̃ fac̃ quousque satisfecit A. B. tam de 20. s. pro debit̃ quos præf. A. B. recuperavit vers. eum, quam 12. d. pro mis. & custag. suis, &c. Teste, &c.

And if any goods be taken wrongfully, then the party grieved may have a replevin, which must be made after this manner.

A Replevin.

I. W. gen' Seneſch. R. T. mil' R. F. ball' hundred̃ de A. salut̃. Quia A. B. invenit mihi suffic̃ securitatem tam de clamore suo proseq. quam de averiis suis, viz. uno bove quem C. D. cepit, & injuste detinet, ut dicitur, return' si return' inde adjudicetur: ideo tibi præcipio pariterque mãdo

quod bovem prædꝯ præf. A. B. ſine dilatione repleg. & deliberarī facꝫ, & pon' per vadꝫ & ſalvos pleg. prædꝯ C. D. quod ſit ad proximꝫ curꝫ apud A. prædꝯ tenendꝫ ad reſpondꝫ præf. A. B. de placito captionis & injuſtæ detentionis bovis prædꝯ; & qualiter hoc præceptꝫ meum fuerit executꝫ mihi ad proximꝫ curꝫ apud A. prædꝯ tenendꝫ conſtare facꝫ ſub periculo incumbent. una cum hoc præceptꝫ. Datꝫ ſub ſigillo meo x. die Aprilis, an' reg. domꝫ noſtri Jacobi dei gratia Angliæ, Franꝫ & Hib. reg. fidei defenſ. &c. 15. & Scotꝫ 51.

I. W. gen' Seneſc. ibid'.

And if the Bailiff do not deliver the plaintiff his cattell by vertue of the ſaid Replevin, then the plaintiff may have an alias Replevin with theſe words, vel cauſam mihi ſignifices, which Replevin muſt be made after this manner:

Al' replevin.

I. W. gen' Sen' R. T. R. F. ball' manerii ſive hundꝫ ſui de A. ſalutꝫ. Quia A. B. inven' mihi ſufficientꝫ ſecurꝫ tam de clamore ſuo proſequendꝫ, &c. as in the other replevin; ideo tibi præcip. pariterque mando, ſicut alias tibi mandꝫ, bovem prædꝯ eidem A. B. ſine dilatione replegiarī fac', vel cauſam mihi ſignifices quare mandat mea tibi inde direct' exequi noluiſti aut non potuiſti; & pon' per vadꝫ & ſalvos pleg', &c. ut antea in the other replevin.

And if the Bailiff do not deliver the plaintiff his Cattell upon this Replevin, nor ſhew ſuffi-

ſufficient cauſe why he did not, then the party may have a Pluries Replevin, vel cauſam mihi ſignifices, which muſt be made verbatim as the Alias Replevin was made, only changing this word alias into pluries. And if the Bailiff return upon any of theſe Replevins, quod averia elongat̃ ſunt ad loca ſibi ignot̃, ita quod averia ill' præf. C. D. deliberar̃ non potuit, then the plaintiff may have a Withernam, which muſt be made in this manner:

A Withernam.

I. W. gen' Seneſch. R. T. milit̃ R. F. ball' maner̃ ſive hund' ſui de A. ſalut̃. Cum A. B. invenit mihi ſufficient̃ ſecurit̃ tam de clamore ſuo proſequend' quam de retorn' habend' de uno bove, &c. ſi retorn' inde adjudicetur, quem C. D. apud C. cepit & injuſte detinet, ut dicitur; & præd' ballivus ſuper diverſ. præcept̃ mea de repleg. fac̃ eidem ballivo direct' mihi certificavit, quod præd' bos elongat̃ eſt ad loca ſibi ignot̃, ita quod viſum ejuſdem habere non potuit: ideo tibi præcipio pariterque mando, quod capias in Withernam catall' ad valenc̃ dict' bovis de catall' dicti C. D. ad deliberand' præf. A. B. pro bove præd' ſic elongat̃; & pon' per vad' & ſalvos pleg. prad' C. D. ut ſupra in the firſt Replevin, &c.

Deliberatio.

I. W. gen' Seneſch. R. T. mil. cur̃ manerii ſive p̃d' hund' ſui de A. R. F. ball' maner̃ ſive hund' necnon I. S. & R. B. ball' hac vice tat̃ ſalut̃. Ex

pte domini regis vobis & cuilibet vr̄m conjunct' & diviſim mando, quod deliberari fac̄ ſeu unus vr̄m deliberari fac̄ C. D. averia ſua quæ A. B. cepit & injuſte detin' contra vad̄ & pleg. ut dicitur, & quod ſum̄ ſeu, &c. præd̄ A. B. quod ſit hic ad prox' cur̄ tenend̄ præf. C. D. inde reſponſur̄ de placito præd̄, & reſpōſum hujus præcept̄ mihi conſtare fac̄, ſeu, &c. ad prox' cur̄. Dat̄, &c.

Al' capias in Withernam.

I. W. gen. Seneſch. R. T. mil' maner̄ ſive hund̄ ſui de A. ballivo hund̄ de A. necnon A. D. & C. B. bal' meis hac vice tantum itineran̄ ſalut̄. Quia R. E. ball' hund̄ præd̄ ad cur̄ hund̄ illius coram me tent̄ apud A. tali die & anno, &c. mihi return', quod virtute warranti mei ſibi plur̄ direct' acceſſit ad parcum I. D. apud locum ubi averia prædict' imparcat̄ & detent̄ fuerunt per eundem I. D. & averia ill. eunt̄ & elongat̄ fuerunt ante adventum ſuum extr̄ hund̄ præd̄ ad loca ſibi ignot̄ per prædict' I. D. per quod averia præd̄ ball' præd̄ repleg. non potuit; quare conſid̄ per cur̄ volent. malic' ipſius I. obviar̄, quod averia præd̄ I. caperentur in Withern. ad valentiam, &c. & ea præfat̄ A. B. deliberentur ſalvo & ſecur̄ cuſtodiend̄ donec eidem A. B. averia ſua præd̄ ſecundum legem repleg' poteſtis juxta tenor̄ mandati mei præd̄. Ideo vobis & cuilibet vr̄m conj' & diviſim mando, quod capiat̄ ſeu, &c. averia præd̄ I. D. ad valenc̄, &c. in Withern', & ea præf. A. B. deliberari fac' ſeu, &c. ſalvo & ſecur̄ cuſtod̄ quouſque, &c. Et diſtringat̄

gat̃ ſeu, &c. præſ. I. D. ita quod ſit apud A. ad prox' cur̃ ibid̃ tenend. ad reſpondend̃ præfat̃ A. B. de placito prad̃,& reſponſ. hujus præcept̃ mei conſtare fac̃ ſeu, &c. ad prox' cur̃. Dat̃ ſub ſigillo officii mei tali die & anno, &c.

Note, that when the ſaid Replevin is granted, there muſt be a bond taken of him to whom it is granted, or of ſome other for him, to appear at the next court, and to proſecute his ſuit with effect, or elſe it may be prejudicial both to the granter of the Replevin, and to the executioner thereof: and the form of that bond and condition thereof is this.

An obligation upon a Replevin.

Noverint univerſi per præſentes me Anton' D. de A. in com̃ S. gen' teneri & firmiter oblig' Richardo T. Mil' dom̃ hundred̃ de A. in decem libr̃ bonæ & legal' monetæ Angl. ſolvend̃ eidē Richardo, aut ſuo certo attornato, executor̃ vel aſſignat̃ ſuis: ad quam quidem ſolutionem bene & fideliter faciend̃ obligo me, hæred̃, exec̃ & adminiſtratores meos firmiter per præſent̃ ſigillo meo ſigillat. Dat̃ x. die Febr̃ an' regn' d' m̃ noſtri Jacobi dei gratia Angl. Scot', Franc̃ & Hibern' regis, fidei defenſ. &c. viz. Angl' Franc̃ & Hibern' 14. & Scotiæ 50.

The Condition thereof.

The Condition of this Obligation is ſuch, that if the above bounden A. D. do appear the next Court of the abovenamed Sir R. T.

to

to be holden within his Manor of A. in the County of Southampton, and then and there prosecute with effect his suit or action against A. B. for the wrongfull taking and detaining of his Cattell, as he hath alledged, and do make return thereof, if return thereof shall be adjudged in the said Court by course of Law, and also do save and keep harmlesse the said I. M. Steward of the said Court, and the Bailiffs, in all things touching or concerning the granting or execution of the said Replevin, without fraud, covin or delay; that then this present Obligation to be void and of none effect, or else the same to stand, remain and continue in force, strength and vertue.

And if it be ancient demesn, then they use to acknowledge fines, and suffer recoveries of their land which they buy and sell within ancient demesn; and that is by the Kings writ of Right close, issuing out of the Chancery, directed to the Bailiff of the Court: and they are entred in the Court book after this manner.

Alton Westbrook, the form and manner of a Fine there.

Cur̄ Rich. T. & H. uxor̄ ejus ibid̄ ten̄ die Jovis, viz. x. die I. an' reg', &c. reciting the stile of the King at large, coram Rich. B. & I. sectatoribus ejusdem cur̄ secundum cons. ejusd̄ cur̄ à tempore cujus contrar̄ memoria hominum non existit.

Ad hanc cur̄ ven' I. M. in propria persona sua, & pro-

& protulit hic in cur̄ br̄e dict' dom̄ regis de recto clauſo verſus I. F. & S. ux' ejus ballivo R. T. mil' & H. uxor̄ ejus manerii ſui de Alton Weſtbrook directi in forma juris ſecundum cõſ. maner̄ præd̄ exequend̄ & termin', cujus quidem br̄is ten' ſequit̄ in hæc verb. Jacob', &c. & ſic recitand̄ tot̄ br̄ verbat̄, &c. Super quo præd̄ I. M. ſecund̄ conſ. maner̄ præd̄ fecit proteſtation. proſequi breve ſuum præd̄ verſus præf. I. F. & S. uxor̄ ejus in forma & nat̄ brevis dom̄ reg. de convent̄ ad communem legem, ad finem inde int̄ eos de ten̄tis præd̄ cum pertinen. in brevi præd̄ ſpec̄ fiend̄ & levand̄, petend̄ quod præd̄ I. F. & S. uxor ejus teneant ei convenc̄ de ten̄tis præd̄ cum pertin. in Alton W. Et inven. pleg. de ꝓſ. breve ſuum præd̄, viz. I. D. & R. R. Super quo iidem I. F. & S. uxor ejus ſolempn. exact' ſunt & comparuerunt. Et ſuper hoc iidem I. F. & S. uxor ejus petunt licentiam concordandi cum præd̄ I. M. de placito prædict', & dant dom̄ pro tali licenc̄ 3. s. 4. d.

Et eſt concord̄ talis: ſcil. quod I. F. & S. uxor ejus recogn' ten̄t̄ præd̄ cum pertinen' eſſe jus ipſ. I. M. ut ill' quæ idem I. M. habuit de dono præd̄ I. F. & S. uxor̄ ejus; & ill' remiſer̄ & quiet̄ clam̄ ꝓ ſe & hæred̄ ſuis præf. I. M. & hæred̄ ſuis imperpet̄: & præterea iidem I. F. & S. uxor ejus conceſſ. pro ſe & hæred̄ ipſius I. F. quod ipſe warr̄ ten̄t̄ præd̄ cum pertinen. præf. I. M. & hær̄ ſuis cont̄ præf I. F. & S. & hær̄ præd̄ I. F. imperpet̄. Et pro hac recog. remiſſion' quiet̄ clam̄ warr̄ fine & concordia eidem I. M. ded' præf. I. F. & S. uxor ejus xl. marc̄ ſterling, &c.

The ſtile of the Court muſt be ſet down as it is before in the fine, mutatis mutandis, and is as occaſion ſhall ſerve. Then thus.

The form of a Recovery there.

Ad hanc cur̄ venerunt R. H. & T. S. in propriis perſonis ſuis, & protuler̄ hic in cur̄ breve domini regis de recto clauſ. verſ. I. M. ball' R. T. mil' & H. uxor̄ ejus maner̄ ſui de Alton Weſtbrook direct' in forma juris ſecundum conſ. maner̄ præd̄ exequend̄ & terminand̄, cujus quidem brevis tenor ſequitur in hæc verba; Jacobus, &c. & ſic recitand̄ breve verbat̄ ut ſupr̄ in the fine. Super quo præd̄ R. H. & T. S. ſecundum conſ. maner̄ præd̄ fecerunt proteſtationem proſequi breve ſuū p̄d̄ verſus præf. I. M. in forma & natur̄ brevis dom̄ regis de recto ad cōmunem legem̄. Et invener̄ pleg. de proſequend̄ breve ſuum præd̄, viz. I. Doo, R. Roo. Et petunt proceſſum eis fieri verſus præfat. I. M. ſecundum conſ. manerii præd̄. Et præd̄ I. M. ſolempnit̄ exact⁹ comparuit, & venit hic in cur̄ in propria perſona ſua. Super quo iidem R. H. & T. S. petunt verſus præf. I. M. tenem̄ præd̄ cum pertin. ut jus & hæred̄ ſuam, & in quæ idem I. M. non habet ingreſſ. niſi poſt diſſeiſin' quam H. H. injuſte & ſine judicio fecit præf. R. H. & T. S. infra triginț an', &c. Et unde dicunt, quod ipſimet fuerūt ſeiſit̄ de tenement̄ præd̄ cum pertinen' in dominico ſuo ut de feodo & jure tempore pacis tempore dom̄ regis nunc, capiend̄ inde exples. ad valenc̄, &c. & in quæ, &c. & inde producunt ſect', &c.

Et

Et prædt I. M. in propria perſona ſua ven' & defend jus ſuum quando, &c. Et vocat inde ad warr' I. F. qui præſens eſt hic in cur' in propria perſona ſua, & grat' tenem' prad ei warr', &c. Et ſuper hoc iidem R. H. & T. S. petunt verſus ipſum I. F. tenen' per warr' ſuam tent' prædt cum pertin' in forma prad', &c. Et unde dicunt, quod ipſimet fuerunt ſeiſit' de tenem' prædt cum pertin' in dominico ſuo ut de feodo & jure tempor' pacis tempor' domini regis nunc, capiend' inde exples. ad valenc', &c. & in quæ, &c. & inde produc' ſect', &c. Et prædt I. F. tenens per warr' ſuam defend' jus ſuum quand', &c. Et voc' inde ad warr' I. P. qui ſimiliter præſens eſt hic in cur', in propria perſona ſua, & gratis tent' prædt cum pertin' eis warr'. Et ſuper hoc iidem R. H. & T. S. petunt verſus ipſum I. P. tenen' per warr' ſuã tenem' prædt cum pertin' in forma prædt. Et unde dicunt, quod ipſimet fuer' ſeiſit' de tenementis prædt cum pertin' in dominico ſuo ut de feodo & in jure tempore pacis tempore domini regis nũc, capiend' inde exples. ad valenc', &c.

Et prad' I. P. tenen' per warr' ſuam defendit jus ſuum quando, &c. Et ponit ſe in magn' aſſiſ. dom' regis, & petit recogn' fieri utrum ipſe majus jus habet tenend' tent' prad' cum pertin' ut tenens inde per warr' ſuam ut ille tenet, an prædict' R. H. & T. S. hab' eadem tenem' cum pertin' ut ill' ſuperius petit, &c. Et prædt R. H. & T. S. petunt licentiã inde interloquend', & habent, &c. Et poſtea iidem R. H. & T. S. reven' hic in cur. ſcil' iſto eodem die in ꝑpriis perſon' ſuis. Et prædt I. P. licet ſolempn' exact' non revenit, ſed in contemptu cur' receſſit & defalt'

defalt fecit. Ideo conſ. eſt per cur' quod prædt R.H. & T.S. recuperẽ ſeiſin' ſuã verſ. præf. I.M. de tenemñ prædt cum pertin' tenendt iiſdem R.H. T. S. & hæredibus ſuis quiet de prædt I. M. & hæredibus ſuis, ac etiam de prædt I.F. & hæredibus ſuis, & etiam de prædt I.P. & hæredt ſuis, imperpetuum; & quod idem I. M. habeat de terr' prædict' I. F. ad valenc', &c. & quod idem I. F. habeat de terr' prædt I.P. ad valenc', &c. & idẽ I. P. in miſericordia, &c.

Ex' per I.W.
Seneſchallum ibm̃.

Now here do follow divers and ſundry forms of declarations and pleadings incident and belonging to this Court as followeth.

A declaration for debt upon a ſpecialty.

Will. S. ſum̃ fuit ad reſpondt E. F. de placito quod reddat ei 39.s. quos ei debet & injuſte detinet, &c. Et unde idem E. per I.B. attorn' ſuũ dic', qd' cum prædt W. quinto die Martii an. regni domini regis nunc Angliæ, &c. decimo tertio, apud A. infra juriſdictionem hujus curẽ p quoddã ſcriptum ſuum obligator' conceſſiſſet ſe teneri eidem E. in prædt 39. s. ſolvendt eidem E. cũ inde requiſit fuiſſet; prædt tam̃ W. licet ſæpius requiſit, prædt 39.s. eidem W. nondum reddidit, ſed illos ei hucuſque reddere contradixit, & adhuc contradic'. Unde dic' quod deteriorat' eſt & dampnum habet ad valenc' 20. s. & inde produc' ſect', &c. Et profert hic in cur' ſcript prædt

quod

quod debitum prædᵗ in forma prædᵗ teſtatur, cujus datᵗ eſt die & anno ſupradᵗ, &c.

Pleg. de proſeq. { Joh. Doo, & Rich. Roo.

Bar in Det.

Et prædᵗ def. venit & def. vim & injurᵗ quando, &c. Et dicᵗ quod ipſe ſemper à prædᵗ quintᵃ die Martii an. ſupradictᵗ hucuſque paratᵘ fuit & adhuc exiſtit ad ſolvendᵘ præf. querᵗ prædᵗ 39. s. & illos hic in curᵗ profert paratᵘ ad ſolvendᵘ. Super quo idem querᵗ 39. s. illᵗ hic in curᵗ recepit, ideo prædᵗ def. ſit inde quietus, &c. Per priſt a paier & offer.

A declaration upon a bill Oblig'.

I. H. ſumᵐ fuit ad reſpondᵘ I. H. de plac' qd'reddᵉ ei 30. s. quos ei debet & injuſte detinet, &c. Et unde idem I. H. per I. B. atturn' ſuum dic', qᵒ cum prædᵗ I. H. decimo quinto die Octob' anno regni domᵉ regis nunc Angliæ, &c. 14. hic apud S. infra jurisdiction' hujus curᵗ per quandam billam ſuam obligatᵘ, quam idem I. Hamon ſigillo ipſius I. Holte ſigillatᵘ hic in curᵗ profert, cujus datᵗ eſt eiſdᵉ die & anᵒ, cognoviſſet ſe debere eidem I. Hamᵐ 15. s. ſolvendᵘ eidem I. Hamᵐ execᵒ, adminiſt. vel aſſigᵗ ſuis in vel ſuper feſtum Pentecoſt. tunc proxᵗ ſequenᵗ datᵗ bill' prædᵗ, & ad eandᵉ ſoluᵉ bene & fidel' faciendᵘ idem I. Holte obligaſſet ſe, hær', execᵒ & admin' ſuos eidem I. Hamᵐ in prædᵉ 30. s. quos ipſe cognoviſſet p billam ſuam prædᵉ ſatisfacere p.o non ſolut' pradᵉ

15.ᵗᵒ

15.s. Et idem I. Ham̃ in facto dic̃, quod prædᵗ I. Holte non solvit eidem I. Ham̃ 15. s. nec aliquē inde denar' secundum form̃ & effect' billæ prædᵗ, ꝑ quod actio accrevit eidem I. Ham̃ ad habendᵗ & exigendᵗ de præf. I. Holte prædᵗ 30. s. Prædᵗ tamen I. Holte licet sæpius requisit' eosdem 30. s. eidem I. Ham̃ nondᵗ reddidit, sed ill' ei hucusque reddere contradixit, & adhuc contradic'; unde dic̃ quod deterior' est & dampn' habet ad valenc̃ x.s. & inde produc̃ sect', &c.

Barre per deins age.

Et prædᵗ I. H. per I. F. attor' suum ven' & def. vim & injur' quando, &c. Et dic̃ quod ipse de debito prædᵗ virtute bill' prædᵗ onerari non debet, quia dic̃ quod ipse tempore confectionis bill' p̃dᵗ fuit infra ætatem 21. an'; & hoc parat' est verific̃: unde pet' judic' si prædᵗ I. Ham̃ action' suam prædᵗ virtute bill' prædᵗ in forma prædict' fact' versus eum habere debeat, &c.

Replic' & Rejoinder.

Et prædᵗ I. Hamon dic', quod ipse ꝑ aliqua prædallegat' ab actione sua prædᵗ habendᵗ præcludi non debet, quia dic' quod prædᵗ I. Holt tempore confection' bill' prædᵗ fuit plen' ætat' 21. an' & non infra ætatem. Et hoc pet' quod inquirat' per p̃riam, & prædict' I. H. similit'. Ideo duodecim, &c.

Det

Det ſur reteiner wages.

A. B. &c. ſum̃ fuit ad reſpond̃ C. D. de placito quod reddat ei 39. s. quos ei debet & injuſte detinet, &c. Et unde idem C. per D. W. attorn' ſuum dic', quod cum prad̃ A. x. die Martii anno, &c. apud S. infra juriſd̃ hujus cur̃ retinuiſſet ipſum C. ad deſerviend̃ dicto A. ab eodem die per unum an' integrum tunc p̃x' ſequen' in officio unius valet', ad præcept̃ & negotia ipſius A. quæcunque licita & honeſta p̃ poſſe & ſcire ſuis agend̃, ſolicitand̃ & exequend̃, capiend̃ de eodem A. p̃ ſalar̃ ſuo per tempus illud 39. s. idemque C. præd̃ A. in offic' prædict' per tempus præd̃ bene & fidel' deſerviiſſet, omnia præcept̃ & negotia ſua licita & honeſta p̃ poſſe & ſcire ſuis per id̃ tempus bene & fidelit feciſſet, ſolicitaſſet & execut̃ fuiſſet, ac prad̃ 39. s. eid̃ C. p̃ ſalario ſuo prad̃ per tempus præd̃ aretro extitiſſ̃et non ſolut̃, per quod actio accrevit eidem C. ad exigend̃ & habend̃ de præf. A. eoſdem 39. s. prædict' tamen A. licet ſæpius requiſit̃ præd̃ 39. s. eidem C. nondum reddidit, ſed illos ei hucuſque redder̃ contradixit & adhuc contradic', unde dic' quod deterior̃ eſt & dampnum habet ad valenc' x. s. Et inde p̃duc' ſect', &c.

Barr' per rien luy doit.

Et prad̃ A. B. per I. W. attorn' ſuum ven' & def. vim & injuriam quando, &c. Et dicit quod ipſe non debet praf. C. D. prad̃ 39. s. nec aliquem denar. inde in forma qua idem C. ſuperius verſ. eum quer̃: & hoc pet̃ quod inquiratur

per patriam, & prædict' A. similʼ, &c. Ideo 12. &c.

A confession in debt.

Et prad A. per I. W. atturn' suum venit, &c. & dicit quod ipse non potest dedicere actionem prædict' C. prad, nec quin ipse debet præf. C. prædict' 39. s. prout prædict' C. superius versus eum narravit. Ideo cons. est quod prædict' C. recuperet versus præf. A. debitum suum prad & dampna sua occasione detentionis debiti illius ad 40. s. eidem C. ex assensu suo per cur̄ hic adjudicat̄: & prad A. in misericordia, &c.

Det sur mutuatus.

A. B. attach. est ad respond E. F. de placito quod reddat ei 30. s. quos ei debet & injuste detinet: & unde idem E. F. per I. W. atturn' suum dicit, quod idem prad A. B. 10. die F. ann', &c. apud, &c. infra jurisdiction' hujus Cur̄ mutuat̄ fuisset de eodem E. F. prad 30. s. solvend eid̄ E. F. cum inde requisit̄ fuisset; prad tamen A. B. licet sæpius requisit̄ prad 30. s. eidem E. F. nondum reddidit, sed ill' ei hucusque reddere contradixit & adhuc contradic', unde dic' quod deterior̄ est & dampn' habet ad valenc' x. s. Et inde produc' sectam, &c.

Imparlance.

Et prad A. per S. T. atturn' suum ven' & def. vim & injur̄ quando, &c. Et pet̄ licenc' inde inter-

nterloquend̄ hic uſque ad prox' cur̄, & habet, &c. Idem dies dat̄ eſt præf. C. hic, &c.

Per minas.

Et prædᵗ W. per N.E. atturn' ſuum ven' & def. vim & injur̄ quando, &c. Et dicit quod ipſe de debito prædᵗ virtut̄ ſcript̄ prædᵗ onerari nō debet, quia dic' quod prædᵗ R. tempore confection' ſcript̄ prædᵗ eidem W. tales & tātas minas de vita ſua & mutilatione membr̄ ſuorum ſibi inferendᵗ, niſi ipſe ſcript̄ prædᵗ præf. R. facere & ſigillare vellet, apud A. infra juriſdictionem hujus cur̄ impoſuit, quod idem W. ſcript̄ illud ob metum minarum illarum præf. R. adtunc & ibidem fecit: & hoc parat̄ eſt verificare, unde petit judic' ſi prædᵗ R. action' ſuam prædᵗ virtut̄ ſcript̄ prædᵗ verſus eum habere debeat, &c.

Et prædᵗ R. dic' quod ipſe per aliqua præallegat̄ ab actione ſua prædᵗ habendᵗ præcludi nō debet, quia dic' quod prædᵗ W. tempore confectionis ſcript̄ prædᵗ fuit ſui juris ad largum, & ſcript̄ illud ex mera & ſpontanea voluntat' ſua præfat' W. fecit, & non ob metum minar̄, prout prædᵗ W. placitando allegavit. Et hoc pet' quod inquirat' per p̄riam, & prædᵗ W. ſim̄. Ideo 12. &c.

Barr' per proteſtationem.

Et prædict' A.B. per T.C. attorn' ſuum ven' & def. vim & injur̄ quando, &c. Et dic' quod prædict' R. S. action' ſuam prædᵗ inde verſus eū habēr ſeu manutener̄ non debet, quia proteſtandᵗ quod null' talis collocutio int' præf. A. & R.

habit̄ fuit, quod idem A. deliber̄ præf. R. prad̄ duas pecias, &c. in p̄t̄ satisfaction' prad̄ 39. s. in narr̄ prad̄ spec', protestando etiam quod prædict' A. non adduxit secum prad̄ C. in narr̄ prad̄ etiam spec' ad prad̄ duas pecias, &c. asportand̄, ad decipiend̄ & defraudand̄ prad̄ R. de prad̄ duab⁹ peciis, prout in narr̄ prad̄ super suppon', protestando etiam quod prad̄ A. adhibens fidem assumptioni prad̄ R. non deliberavit præf. C. prad̄ duas pec', &c. per limitation' & assump. dicti A. prout in narr̄ prad̄ etiam suppon', protestando etiam quod quædam collocutio habita fuit inter prad̄ A. & R. quod prad̄ R. deliberaret in mutuo præf. A. 39. s. in pecuniis numerat̄ sub cert̄ condic', & super inde concord̄ non potuer̄; ideo prad̄ locut̄ vacua & nullius vigor̄ fuit. Et pro placit̄ idem A. dic', quod ipse non promisit nec super se assumps. modo & form̄ prout prad̄ R. supr̄ vers. eum querit̄. Et hoc pet̄ quod inquir̄ per p̄riam, & prad̄ A. simil'. Ideo 12. &c.

Barr' per concord.

Et prædict' A. per I. W. Att̄ suum ven' & def. vim & injur̄ quando, &c. Et dic' quod prad̄ R. action' suam prad̄ inde vers. eum hēre seu manut̄ non debet, quia protestand̄ quod non cogn̄ aliqua in narr̄ prad̄ fore vera, pro placito tamen dic', quod post assumps' & promission̄ prad̄ fieri suppos', scil. 10. die M. an', &c. apud, &c. int̄ eund̄ A. & præf. R. tam de assumpt̄ & p̄miss. prad̄ quam de omn̄ al' trāsgr̄ & offens. int̄ ipm̄ A. & præf. R. ante 10. diem M. habit̄, fact', mot̄ & perpetrat̄ sive pendēn̄, per mediation' amicorum suor̄ inter eos amicabilit̄ intvenien', talis

lis habebat̃ concordia, viz. quod idem A. in plen' ſatisf. & relaxation' tã aſſump. unde præd̃ R. ſupr̃ ſe modo quer̃, quã omnium alior̃ tranſ. & offenſ' per ipſ. A. ante tempus illud præf. R. fact', dar̃ eid̃ R. 2. vacc', & quod idem A. extunc verſ. p̃f. R. tam de aſſump. & promiſſion' præd̃ quam de omnibus aliis tranſgr̃ & offenſ' eſſet quietus imperpet̃. Et idem A. dic' quod ipſe adtunc & ibidem dedit & deliberavit præf. R. 2. vacc', idemque R. 2. vacc' ill' de eod̃ A. adtunc & ibm̃ recepit, juxta form̃ & effect' concordiæ præd̃. Et hoc parat̃ eſt verificar̃, &c.

Nul tiel concord.

Præcludi non deb', quia dic' quod non hab' aliqua talis concordia int̃ ipſ. R. & præf. A. modo & form̃ quibus idem A. ſupr̃ in bar̃ placitand̃ allegavit. Et hoc petit quod inquir̃ per p̃riam, & præd̃ A. ſim̃. Ideo 12. &c.

Count ſur bailement per auter maines.

T. G. ſum̃ fuit ad reſpond̃ N. P. de placito quod redd̃ ei 30. s. quos ei debet & injuſt. detin̄, &c. Et unde idem N. per R. L. att̃ ſuum dic', quod cum quid̃ P. R. ult̃ die I. an' reg. domini regis nunc Ang. &c. x. apud B. infr̃ juriſd̃ hujus cur̃ deliberaſſet præf. T. G. præd̃ 30. s. ad ſolvend̃ & deliverand̃ eidē N. quandocunque p̃f. T. G. ab ipſo N. foret requiſit̃, præd̃ tn̄ T. G. licet ſæpius requiſit̃ præd̃ 30. s. eidem N. nond̃ reddidit, ſed ill' ei hucuſque reddere contradixit, & adhuc contradic', unde dic' quod deterior̃ eſt

& dampñ habet ad valenc' x. s. & inde produc' ſect', &c.

Rien luy doit per ley.

Et prædt T. per B. C. attñ ſuum ven' & def. vim & injurñ quando, &c. Et dic' qd' ipſe non debet præf. N. prædt 30. s. nec aliquem denarñ inde formñ qua idem N. ſupra verſ. eum narravit; & hoc paratñ eſt defendere contñ ipſ. & ſect. ſuam per legem ipſius T. prout curñ hic conſ' inde faciend', &c. Unde petñ judic' ſi prædt N. action' ſuã prædt verſ. eum manutenere debeat, &c.

Demurrer ſuperinde.

Et prædt N. dic' quod defenſio prædt T. per legem ſuam faciendt prætenſ' non eſt ſufficiens exitñ nec admittabilis ad ipſ. T. contñ prædt materñ in narratñ ipſius N. contentñ ab actione ſua prædt habendt præcludendt: unde petñ judic' & debitñ prædt una cum dampnis, &c. pro defectu ſufficientñ reſponſionis & exitus in lege ſibi adjudicari, &c.

Et prædt T. ex quo prædt reſponſio & dict' defenſio ſua per legem ſuam faciendt in formñ pdt prætenſ. ſufficiens reſponſio & exitus admittabilis ſunt in lege ad prædt N. ab actione ſua prædt habendt præcludendt, & prædt N. legem ipſius T. in hac parte faciendt admittere omnin' recuſat, petit judic', & quod prædt N. ab actionñ ſua prædt haberdt præcludt, &c.

Det

Det port per exec' verſ. exec' ſur ſpec'.

A. T. exec̄ teſt. T. B. ſum̄ fuit ad reſp. E. W. exec̄ teſt. S. A. de placito, quod ipſe ſimul cum C. coexecutor̄ prad̄ T. teſt. prad̄ T. redd̄ ei 38. s. quos ei injuſte detin̄, &c. Et unde idem E. per I. W. att̄ ſuum dicit, quod cum prædict' T. B. viceſimo die Auguſti anno, &c. apud P. infra juriſdict' hujus Cur̄ per quoddam ſcriptum ſuum obligatorium conceſſit ſe teneri eidē S. in prad̄ 38.s. ſolvend̄ eidem S. in feſt. &c. prad̄ tamen T. in vita ſua nec prad̄ execut̄ teſt. poſt mort̄ ejuſdem T. licet ſæpius requiſit̄ prad̄ 38.s. præf. S. in vita ſua nec eiſdem execut' poſt mort' ejuſdem S. non reddiderunt, ſed ill' ei reddere contradixerunt, & adhuc contradicūt, & ill' ei adhuc injuſte detinen̄, unde dic̄ quod deteriorat̄ eſt & dampn̄ habet ad valenc̄ x. s. Et inde produc̄ ſect', &c. Et profert hic in cur̄ tam ſcript' prad̄ quam al. teſtim̄ per quæ ſatis liquet ipſ. E. fore exec̄ teſt. prad̄ S.

Det port per adminiſtr'.

W. W. ſum̄ fuit ad reſpond̄ I. A. adminiſtratrici omnium & ſingul' bonor̄ & catall' quæ fuer̄ L. A. qui obiit inteſt. ut dicitur, de placito quod reddat ei 39. s. quos ei injuſt. detin', &c. Et unde eadem I. per I. W. atturn̄ ſuum dic̄, quod cum prad̄ W. tali die & anno, &c. apud S. infra juriſd' hujus cur̄ per quandā bill' ſuam oblig', quam eadem I. ſigill' prad̄ W. ſignat' hic in cur̄ profert, cujus dat' eſt eiſdem die & ann', cognoviſſ.

ſe debeī præf. L. prædˈ 39. s. in vita ſua ſolvendˈ eidem L. apud talem feſt. proxˈ, &c. & ad eādem ſolutiõ bene & fidelˈ faciendˈ. prædˈ W. oblig. ſe, hærī & executˈ ſuos per eādem billˈ, prædˈ tamen W. licet ſæpius requiſitˈ prædˈ 39. s. præf. L. in vita ſua ſeu eidem I. poſt mortẽm ejuſdem L. cui adminiſtr. omnium bonoī & catallˈ quæ fueī prædˈ L. tempoī mortis ſuæ per W. L. Legum Doctoī cuī prærogˈ Cantuaī Magiſt. 20. die Maii anno domini 1616. apud L. prædˈ poſt mortem prædˈ L. commiſſ. fuit, non reddidit, ſed illˈ ei reddeī contradixit, & illˈ eidẽ I. reddeī contradicẽ ac injuſte detinet, unde dicẽ quod deterioratˈ eſt & dampñ habet ad valenẽ 20. s. Et inde producẽ ſectˈ, &c. Et profert hic in cuī literī adminiſt. prædˈ W. L. per quas, &c.

Non ſum informatus.

Et prædictˈ W. per N. E. atturñ ſuum veñ & defˈ vim & injuī quando, &c. Et dictum eſt eidem atturñ ejuſdem W. quod pro eodem W. magiſtro ſuo præf. I. in loquela prædˈ reſpondˈ. Et idem atturñ dicẽ, quod ipſe non eſt informatus per eundem W. magiſtrum ſuum de aliquo reſponſ. pro eodem W. præf. I. in loquela prædictˈ dandˈ, & nihil aliud inde dicit, per quod idem I. remñ verſ. præf. W. inde indefˈ. Ideo conſˈ eſt quod prædictˈ I. recuperet verſus prædˈ W. debitum ſuum prædˈ & dampnˈ ſua occaſionˈ detencˈ debitˈ illius ad 56. s. eidem I. ex aſſenſu ſuo per cuī hic adjudicatˈ: & prædictˈ W. in miſericordia, &c.

Plene

Plene administravit.

Et prædict' A. per T. B. attorn̄ suum ven' & def. vim & injur̄ quando, &c. Et dic̄ quod prad̄ quer̄ actionem suam præd̄ versus eum habere nō debet, quia dic̄ quod ipse plen' administravit omnia bona & catalla quæ fuer̄ præd̄ I. tēpor̄ mort̄ suæ, & quod ipse null' habet bona seu catalla quæ fuer̄ ejusdem I. tempore mortis suæ in manibus suis administrand̄, nec habuit die intrationis placiti ipsius quer̄ nec unquam postea. Et hoc parat̄ est verificare: unde petit judic̄ si prædict' quer̄ action' sua p̄d̄ versus eū habere debet, &c.

Replication & Rejoinder.

Et prad̄ quer̄ dicit quod ipse per aliqua præalleg' ab actione sua præd̄ habend̄ præclud̄ non debet, quia dicit quod præd̄ defend̄ die intratiō placit̄ præd̄ quer̄, scil. tali die, an', &c. habuit diversa bona & catall' quæ fuer̄ præd̄ I. tempore mort̄ suæ in manibus suis administr. ad valenc̄ debit̄ præd̄ unde eidem quer̄ de debit̄ illo satisfeciſſe potuit, viz. apud A. infra jurisd̄ hujus cur̄. Et hoc petit quod inquirat̄ per p̄ri̇ā, & prad̄ def. sim̄. Id̄, 12. &c.

A Speciall Non est factum.

Et præd̄ def. per G. P. att̄ suum ven' & def. vim & injur̄ quando, &c. & dic' quod ipse de debit̄ prædict' virtute billæ præd̄ onerari non debet, quia dic̄ quod postquam idem def. sigillavit & de-

& deliberavit billam prad̄ præf. quer̄, billa illa de novo ſcript̄ & interlineat̄ fuit in iſtis verbis, viz. Th. Curwen, per quod bill' illa ſic de novo ſcript̄ & interlin' vim ſuam perdidit & effectum, & ſic billa præd̄ non eſt fact' ſuum. Et de hoc pon' ſe ſup. priam, & præd̄ quer̄ ſim̄. &c. Ideo 12. &c.

Nihil dic' in debito.

Et prædict' defend̄ per A. B. attorn' ſuum ven' & defend̄ vim & injur̄ quando, &c. & nihil dic̄ in barr̄ actionis prædict' quer̄ prad̄, per qd' idem quer̄ reman' verſus eundem defend̄ inde indef. Ideo conſ' eſt quod prædict' quer̄ recuperet verſus præf. defend̄ debitum ſuum prad̄ & dampna ſua occaſione detentionis debiti illius ad x. s. eidem quer̄ ex aſſenſu ſuo per Cur̄ hic adjudicat̄, & præd̄ def. in miſericordia, &c.

Action ſur le caſe ſur indebitatus aſſumpſit.

G. D. per R. M. attorn' ſuum queritur verſ. R. D. de placito trāſgr̄ ſuper caſum, pro eo quod cum præd̄ def. indebitat̄ fuit præf. quer̄ in 11. s. legal' monet̄ Angl' pro una tunica, Anglice a Jerkin, per ipſ. quer̄ praf. defend̄ prius vend̄ & deliberat̄, & ſic indebitatus exiſtens poſtea ſcil. 1. die I. an', &c. apud S. infra juriſd̄ hujus cur̄, præd̄ def. in conſideratione inde ſuper ſe aſſumpſit, & eidem quer̄ adtunc & ibīm fidelit̄ promiſit, ad ſolvend̄ eidem quer̄ prad̄ 11. s. præd̄ tamen def. promiſſ. & aſſumpt̄ ſuas præd̄ minime curans, ſed machinās ipſ. quer̄ de præd̄ 11. s.

callide

callide deciper̄ & defraudare, præd̄ 11. s. eidem quer̄ nondum ſolvit, licet eidem quer̄ ſolvend̄ poſtea, ſc. dictis die an' & loco, infra juriſd̄ hujus cur̄ per ipſ. quer̄ requiſit̄ fuer̄, ad dampn' ipſius quer̄ x. s. Et inde produc' ſect', &c.

Pleg. de proſ. { Jo. Doo, & Ric. Roo.

Alit' indebit' aſſumpſit.

I. C. attach. eſt ad reſpond̄ I. W. de placito tranſgr̄ ſuper caſum. Et unde idem I. W. per I. S. att̄ ſuum dic', quod cum præd̄ I. C. primo die Oct' an̄, &c. hic apud S. infra juriſd̄ hujus Cur̄ indebitat̄ fuiſſet præf. I. W. in ſumma 38. s. legal' monet̄ Ang. pro arrerag' reddit̄ unius meſuag' & unius acræ terræ, & pro diverſis denar̄ ſummis ei mut̄ deliber̄, ac etiam pro diverſis aliis rebus eidem I. per præd̄ I. ante tempus illud debit̄ & ſolubil', & ſic inde indebitat̄ exiſten̄ idem I. C. in conſideratione inde ſuper ſe aſſumpſit quod ipſe idem I. C. præd̄ 38. s. eidem I. W. cum inde requiſit̄ fuiſſet bene & fideliter ſolvere & contentar̄ vellet, præd̄ tamen I. C. promiſſion̄ & aſſumpt̄ ſuas præd̄ minime curās, ſed machinās & fraudulenter intendens eundem I. W. in hac parte callide & nequiter deciper̄ & defraudare, præd̄ 38 s. eidem I. juxta promiſſ. & aſſump. ſuas præd̄, licet ad hoc poſtea, ſcil. 10. die Oct' anno regni domini regis nunc 13. ſuprad̄, apud S. præd̄ per eund̄ I. requiſit̄ fuit, non ſolvit, ſed illos ei omnin̄ hucuſque ſolvere contradixit, & adhuc contradic', unde dic' quod dete-

deteriorat̃ eſt & dampn̄ habet ad valenc' x. s. Et inde produc. ſect', &c.

Non aſſumpſit.

Et prædt̃ I. per I. W. attorn̄ ſuum ven̄ & def. vim & injur̄ quando, &c. & dic' quod non aſſumpſit eidem quer̄ modo & form̄ prout prædt̃ quer̄ ſuperius verſus eum queritur̄. Et de hoc ponit ſe ſuper p̄riam, & prædt̃ quer̄ ſimiliter̄. Ideo I2. &c.

Action ſur le caſe ſuper inſimul computaver'.

R. S. queritur de N. W. de plac' tranſgr̄ ſuper caſum pro eo viz. quod cum quidam H. W. & R. H. 2. die I. an̄, &c. apud A. infra juriſdiction' hujus cur̄ inſimul computaver̄ cum eodt̃ R. de diverſis denar̄ ſummis ante tempus illud pro arrerag' reddit̃ & al' rebus eidem R. per prædt̃ H. & R. debit̃ & ſolubil', & ſuper comp. illo iidem H. & R. inventi fuiſſent in arreragiis erga prædt̃ R. in ſumma 36. s. legal' monet̃ Ang' ſolvendt̃ eidt̃ R. cum inde requiſit' eſſent, cumque etiam prædt̃ N. W. adtunc & ibm̄, ſcil. eodem 2. die Jan̄ an̄ ſupradict' apud A. prædt̃, inſtantiſſime requiſivit prædt̃ R. quatenus idem R. acquietaret & exoneraret prædt̃ H. & R. de prædt̃ 36. s. & prædt̃ N. in cōſideration' inde ſuper ſe aſſumpſit & eidem R. adtunc & ibidt̃ fidelit' promiſit quod ipſe idem N. prædt̃ 36. s. eidem R. cum inde requiſit' eſſet bene & fidelit' ſolvere & contentare vellet, & idem R. in facto dic', quod ipſe fidem adhibens promiſſioni & aſſumptioni

tioni ipſius N. prædꝯ adtunc & ibidꝯ acquietavit & exoneravit prædꝯ H. & R. de prædꝯ 36. s. prædꝯ tamen N. promiſſ. & aſſumꝯ ſuas minime curans, ſed machinās & fraudulentꝫ intendens eundē R. in hac ꝑte callide & nequiter decipere & defraudare, prædꝯ 36. s. eidem R. licet ad hoc apud A. prædꝯ infra juriſdict' prædꝯ poſtea, ſcil. ultimꝯ die I. anno regni dicti domini regis nunc 8. ſuprad, per prædꝯ R. requiſitꝫ fuit, non ſolvit, nec aliqualiter pro eiſdem hucuſque contentavit, per quod idem R. dicꝫ quod ipſe totum lucrꝫ, comodū & proficuum quæ ipſe cum prædꝯ 36. s. emendo, vendendo, liciteque barganizando habere & lucrari potuiſſet ſi prædꝯ N. promiſſ. & aſſump., ſuas prædꝯ ſic in forma prædꝯ fact' tenuiſſet & ꝑformaſſet, totaliꝫ perdidit & amiſit, unde idem R. dic' quod deterioratꝫ eſt & dampnum habet ad valenc' 20. s. Et inde produc' ſect', &c.

Action ſur le caſe ſur indebit' aſſumpſit.

T. E. queritur verſ. B. B. de placito tranſgr̄ ſuper caſum pro eo viz. quod cum prædꝯ B. primo die I. an' reg. dom̄ regis nunc Angl', &c. nono apud A. infra juriſdict' hujus cur, in conſideꝝ quod prædꝯ T. ad ſpecialem inſtanc' & requiſ. ipſius B. adtunc & ibidem mutuo dediſſet & accommodaſſet eidem B. 30. s. bonæ & legalis monetæ Angliæ, ſuper ſe aſſumpſit, & eidem T. adtunc & ibidem fideliꝫ promiſit, quod ipſe idem B. 30. s. bonæ & legalis monetæ Angliæ eidem T. cum inde requiſitꝫ eſſet bene & fideliꝫ ſolvere & contentare vellet, prædict' tamen B. promiſſ. & aſſump. ſuas prædict' minime curans, ſed machi-

machinās prædict' T. de prædict' 30. s. callide & ſubdole decipere & defraudare, prædict' 30. s. præfat' T. licet per eundem T. poſtea, ſcilicet primo die Octob. ann', &c. ſupradict' apud A. prædict' requiſit' fuiſſet, juxta promiſſ. & aſſumpſ. ſuas præd' nōdū ſolvit, nec aliqualiter contentavit, per quod præd' T. in reputat' ſua erga diverſ. dicti domini regis nunc ſubdit', & præcip. erga F. M. cui idem T. in conſim. ſumm' 30. s. indebitat' fuit, ac cui idem T. eoſdem 30. s. ad cert' diem jam diu præterit' ſuper ſpe fidel' performationis promiſſ. & aſſumpt' præd. ſolvere & contentare promiſerat, multipliciter læſus & deter' eſt, & dampn' habet ad valenc' 20. s. Et inde produc' ſect', &c.

Plaint ſur Replevin.

Willel. L. ſum' fuit ad reſpondend' Will. B. de placito captionis & injuſtæ detentionis averiorum ſuorum. Et unde idem W. B. per R. D. atturn' ſuum dic' qd' præd' W. L. quinto die Decemb. anno regni dom' regis nunc Angl', &c. 11. apud Q. in quodam loco ibidē voc' **Bushte Cloſe** ipſius W. B. infra juriſdictionem hujus cur' cepit aver', viz. unam vaccam ipſius W. B. & eam injuſte detinuit contr' vad' & pleg. quouſque; unde dic' quod deterioratus eſt & dampn' habet ad valenc' 39. s. Et inde produc' ſect', &c.

Avowry pur damage feſant in ſon franktenement.

Et præd' W. in propria perſona ſua ven' & def. vim

vim & injur̄ quand̄, &c. & bene advoc' captiõ averiorum præd̄ in præd̄ loco in quo, &c. & injuſte, &c. quia dic' qd' præd̄ loc' in quo ſuppon. capt̄ averior̄ præd̄ fieri eſt & præd̄ tempor̄ captionis præd̄ ſuppoſit̄ fieri fuit ſolum & liber. tenẽt̄ ipſius W. & quod vacca præd̄ fuit eodem temp' in eodem loco herbam ibm̄ tunc creſcen depaſcen & dampnum facien, per quod idem W. vaccam ill. adtunc & ibm̄ ſic dampn' facien' cepit & imparcavit, prout ei bene licuit. Et hoc parat̄ eſt verificare: unde pet̄ judic' & retorn' averiorum præd̄ ſibi adjudic', &c.

Avowrie aliter per unum in jure ſuo proprio, & alit' ut ſervien' per ejus præcept.

Et præd̄ R. B. & T. B. per W. C. att̄ ſuum ven' & def. vim & injur̄ quand̄, &c. Et dic' quod præd̄ R. B. eſt & præd̄ tempore caption' averior̄ præd̄ fieri ſuppoſit̄ fuit ſeiſit̄ de quodam clauſ. voc' le Coniger in præd̄ villa de E. infr̄ juriſd̄ hujus cur̄ in dom̄ ſuo ut de feodo: quæ quidem equa præd̄ tempore quo, &c. fuit in eadẽ clauſa voc' the **Coniger** herbam ſuam ibm̄ depaſcens & dampnum in eodem clauſo faciens, per quod ipſe idem R. B. in jure ſuo proprio & præd̄ **T.** B. per ejus præcept̄ ceperunt equam ill. & eam imparcaver̄, prout eis bene licuit; abſque hoc quod ipſi ceper̄ equam præd̄ in præd̄ loco voc. **the common Mead**, prout præd̄ W. T. verſus eos queritur. Et hoc parat̄ ſunt verificare: unde pet̄ judic. & retorn' averior̄ præd̄ ſibi adjudicari, &c.

Avourie

Avourie pur amerciament in Leet.

Et prædꝭ L. P. per T. R. attꝰ ſuum ven' & def. vim & injurꝭ quando, &c. & ut ballivus T. H. arꝭ bene cognovit captior. juvencæ prædꝭ in prædꝭ loco in quo, &c. & juſte, &c. Quia dicꝭ quod idem locꝰ in quo ſupponꝭ caption. juvencæ prædꝭ fieri continet, & prædꝭ tempore quo ſupponꝭ captionem juvencæ prædꝭ fieri continebat in ſe 12. acras terrꝭ voc. Reke fields in W. prædꝭ infrꝭ præcinct. curꝭ viſ. franc' pleg. dicti T. H. infra manerꝭ ſuum de M. ten' in comitꝭ South. prædꝭ, de quo quidem man. cum pertꝭ ante prædꝭ tempus quo, &c. & eodem tempore quo, &c. prædꝭ T. H. fuit ſeiſitꝭ in dominico ſuo ut de feodo, infra quod quidem manerꝭ idem Thomꝰ & omnes illi quorꝭ ſtatum idem T. modo habet, & prædꝭ tempore quo, &c. habuit in manerꝭ prædꝭ cum pertin', à tempore cujus contrꝭ memorꝭ hominum non exiſtit habuerunt, & habere, tenere & cuſtodirꝭ conſueverꝭ curꝭ viſ. franc' pleg. bis per ann', viz. ſemel infra menſ. prox. poſt feſt. Paſch. & iterum infra menſ. prox. poſt feſt. ſancti Mich. Arch. apud manerꝭ illud corꝭ Seneſch. manerii illius pro tempore exiſten', & omnes inhabitantes & reſidentes infra manerꝭ illud ad curꝭ viſ. franc. pleg. manerꝭ prædꝭ uſi fuerꝭ compar', & ibꝰ onerari & jurari de & ſuper omnibus articulis qui ad cur. viſ. franc. pleg. prædꝭ pertinent ad inquirendꝭ; quodque prædꝭ T. ac omnes illi quor. ſtatum idem T. in manerio prædꝭ cum pertiner. modo habent, & prædꝭ tempore quo, &c. habuerunt, à toto tempore prædꝭ uſi fuerunt diſtringere

gere pro pœnis & amerciamentis in eadem cur̄ vic' franc̄ pleg. impoſit̄. Et idem L. dicit, quod ante prædict' tempus quo, &c. ſcil. ad quandam cur̄ vic̄ franc̄ pleg. ten̄t apud manerium præd̄ infra menſem prox. poſt feſt. ſancti Mich. Arch. ſcil. 30. die Septembris, an. regni domini regis nunc Angliæ, &c. decimo, coram W. Y. gen. adtunc ſeneſchallo cur̄ vic̄ franc̄ pleg. manerii ſui præd̄, per quoſdam Johañ N. &c. (recitand̄ omnes Jur̄ per nomina in eadem cur̄ vic̄ franc̄ pleg. de hiis quæ ad vic̄ franc̄ pleg. præd̄ pertinent oner̄ & jurat̄ ad inquirend̄ ſuper eorum ſacramentum) præſ. fuit quod præd̄ W. T. reſiden̄ & inhabitan. infra præcinctum cur̄ vic. franc̄ pleg. præd̄ adtunc exiſtebat, ac quod diverſ. ſepes ipſius W. infra præcinctum manerii præd̄ incluſæ jacebāt, ad nocumen̄t diverſ. inhabitāt̄ infra manerium præd̄, per quod adtunc & ibm̄ præcept̄ fuit eidem W. T. ſufficien̄t facere ſepes ſuas, viz. apud le Home breach verſus viam regiam, & ſepes ſuas verſ. venellum voc̄ Mores Lane, &c. ante decimum quint̄ diem Octobrii tunc ꝓx. futur̄, ſub pœna xx. s. Ante quē die̅ idem Will. ſepes ſuas præd̄ non fecit ſecundum præcept̄ Jur̄ præd̄, per quod præd̄ pœna prædictorum 20. s. per præd̄ Will. T. forisfact' fuer̄. Et quia prædict' viginti ſolid̄ pro pœna p̄d̄ præd̄ tempore quo, &c. præſ. T. H. aretro fuerunt inſolut̄, idem L. ut ballivus præd̄ T. ꝓ eiſdem 20. s. pro pœna præd̄ aretro exiſten' niſolut̄ bene cognovit captionem juvenc. p̄d̄ in p̄d̄ loco in quo, &c. & juſte, &c. infra præcinct' vic̄ franc̄ pleg. prædict', &c.

Barr' quant avers enter pur default de inclosure que lavowant doit faire.

Et prad T. dic' quod prad E. captionem averiorum prad ratione præall' just. advocare non debet: quia dic quod tempor captionis prad fact' quida m W. C. fuit seisit de quodam clauso voc R. in M. in comitat prad in prad loco vocat G. contigue adjacen. in dominico suo ut de feodo; idemque W. sic inde seisit' ante idem tempus quo, &c. apud A. clausum illud dimisit eidem T. habend sibi ad voluntatem dict' W. quo prætextu idem T. tempore captionis pradict' factæ de clauso illo fuit possessionat, ac præd E. eodem tempore fuit seisit de prædicto clauso vocat G. in dominico suo ut de feodo; idemque E. & ors illi quorum statum ipse tunc habuit in loco ill. fecer & reparaver, & usi fuer facere & reparare, quoties necesse fuit, quanc sepem sive clausur dict' loco vocat G. à prad clauso voc M. penitus separat & def. à tempore cujus contrarii memoria homin. non existit. Et idem T. dicit quod ipse de præd clauso vocat M. virtute admission prad possessionat ante prad tempus quo, &c. posuit aver sua prad in claus. illud ad depascend ibm: & p eo qd' sepes præd E. tempor caption. præd fact' & antea p defectu reparationis inde in divers. partibus ejusdem rupt fuit & vastat, averia pd in claus. ill. in præd loco vocat G. p rupt ill. tempore caption' pd evaser & intraver, & pd E. tunc ibm existens averia ill. tunc ibm cepit, put p narr præd suppon'. Et hoc parat est verificare: unde pet judic. & dampna sua occasion. captionis illi adjudicari, &c.

Replic'

Replic' quer', le incloſure fuit ſufficient.

Et prædꝫ E. dic. quod averia illa tempore captionis p̄d̄ ſupp' fieri ſepem prædꝫ ſufficien̄ fact' & reparat̄ violent̄ freger̄, & in prædꝫ locum voc' G. intraver̄, & herbam in loco illo creſcen' depaſta fuer̄, & dampn' in eo fecer̄, p̄ quod idem E. aver̄ ill' tunc ibm̄ cepit, p̄ut idem E. ſuper allegavit. Et hoc parat̄ eſt verificare: unde petit judic' & retorn' averior̄ illorū ſibi adjudicari, &c.

Rejoynder.

Et prædꝫ T. dic' quod ſepes prædꝫ tempore caption' prædꝫ ſuppoſit̄ fieri rupt̄ & vaſtat̄ fuit in forma qua idem T. ſuperius allegavit: & hoc pet̄ quod inquiratur per p̄riam, & E. ſimilit̄. Ideo it̄. &c.

Action de trover.

ſſ. I. P. queritur de I. K. de placito trn̄s. Et unde idem I. per I. W. atturn̄ ſuum dic', quod cum prædꝫ I. P. prim̄ die N. an̄ regni dom̄ regis nunc Ang', &c. apud P. infra juriſdꝫ hujus cur̄ poſſeſſ. fuiſſet de duabus ovibus matric' Angl' Ewes precii x.s. ut de bonis & catallis ſuis p̄pr̄, & ſic inde poſſeſſ. exiſtens, poſtea, ſcil. eiſdem die & an', apud P. prædꝫ bona & catalla prædꝫ extra manus & poſſeſſ. ſuas caſualit̄ perdidit & amiſit: quæ quidem bona & catalla poſtea, ſcil. eiſdem die & an', apud P. prædꝫ ad manus & poſſ. ipſius I. K. p̄ inventionem devenerunt: prædꝫ ta

men I.K. cert scien' bona & catalla prædict' fore bona & catall' prædict' I. P. & ad ipsum I. P. de jure spectare & pertinere, machin' & fraudulent intenden' eundem I. P. in hac parte callide & subdole defraudar & decipere, bona & catall' prædict' præf. I. P. licet sæpius requisit, &c. nondum tradidit nec deliberavit, sed bona & catalla præd postea, scil. primo die D. an' x. suprad in usum & commodum suum proprium disposuit & convertit, ad dampn' ipsius I. P. xx. s. Et inde produc sect', &c.

Count in trespas.

S. S. attach. fuit ad respond I. E. de placito quar ipse simul cum W. L. clausum & domum ipsius I. apud B. infra jurisd hujus cur fregit, & alia enormia, &c. unde idem I. per I. H. attorn' suum quer quod prad S. simul, &c. 30. die S. an' regni domini regis nunc Angl', &c. decimo clausum & domum ipsius I. apud B. infra jurisd hujus cur fregit, & alia enormia, &c. ad grave dampn' ipsius I. unde dic quod deteriorat est & dampnum habet ad valenc 20. s. Et inde produc sect' &c.

Pro close & meason debruse, & kerles pris, tunc sic.

Et unde idem H. in propria persona sua queritur de præd I. qd' simul cum R.R. & I.L. 1. die Sep. an', &c. clauf. & dom ipsius H. apud W. infra jurisd. hujus cur fregit, & herbam suam ad valenc 20. s. jam nuper crescen' cum quibusdam averiis,

averiis, viz. equis, bobus, vaccis, & bidentibus, depaſtus fuit, conculcavit & conſumpſit, & alia enormia ei intul', ad dampnum ipſius H. 30. s. Et inde produc̄ ſectam, &c.

Non cul' plead.

Et præd' def. per I. F. atturn' ſuum venit & def. vim & injuriā quando, &c. & quoad tot. tranſgr̄ præd' præter fractionem clauſ. præd' dic̄, quod ipſe in nullo eſt inde culp. ꝓut præd' quer̄ ſuperius verſus eum queritur: & de hoc pon' ſe ſuper p̄riam, & præd' quer̄ ſimiliter. Et quoad fractionem clauſi præd' idem def. dic̄, quod præd' quer̄ actionem ſuam p̄ræd' verſus eum haber̄ non debet, quia dic̄ quod præd' quer̄ ante tempus quo ſupponitur tranſgr. p̄d' fieri unam vaccam ipſius def. apud G. præd' invēt̄ abſque cauſa rationabili cepit, & ill. in clauſur̄ præd' fugavit, & illā ibidē imparcavit, per quod idem def. ꝓ vacca ill' rehabend' clauſ. p̄d' p̄d' tempore quo, &c. intravit, & eam tunc ibidem cepit & abduxit, ꝓut ei bene licuit. Et hoc ꝓparat̄ eſt verificare: unde petit judicium ſi præd' quer̄ action' ſuam præd' inde verſus eum habere deb', &c.

Replication de ſon tort demeſne ſans tiel cauſe, & iſſue ſur ceo.

Et præd' quer̄ dic̄, quod ipſe per aliqua præallegat̄ ab actione ſua præd' de fraction' clauſ. præd' verſus præf. def. habend' præcludi non debet: quidic̄, quod præd' def. die & an' ſuprad' de injuria ſua propria & abſque cauſa per ipſum def. præ-

præallegat̃ clauſ. ipſius quer̃ apud C. præd̃ fregit, ꝓut ipſe ſuperius verſus eum queritur. Et hoc petit quod inquiratur ꝑ patriam, & p̃d̃ def. ſimil': Ideo 12. &c.

Barr' in treſpas per offer de reaſonable amends.

Et præd̃ def. per I. W. atturnatum ſuum ven' & def. vim & injur̃ quando, &c. Et dic̃ quod præd̃ quer̃ actionem ſuam præd̃ verſus eum habere non debet, quia dic̃ quod ipſe immediat̃ poſt p̃d̃ temp' tranſgr. p̃d̃ fieri ſuppoſ', ſcilicet die x. Jan. &c. apud N. p̃d̃ ꝑ man' ipſius def. ꝓprias obtulit ad ſolvend̃ p̃f. quer̃ 2. s. ꝓ dampn' ſuis cum vaccis p̃d̃ in p̃d̃ loco in quo, &c. p̃f. quer̃ fact'; qui quidem 2. s. fuer̃ ſuffic' amend ꝓ dampn' cum vaccis p̃dictis in p̃d̃ loco in quo, &c. eod̃ tempore quo, &c. fact': quos quidem 2. s. p̃d̃ quer̃ de eod̃ def. recipere adhuc & ibidem penitus recuſavit. Et hoc parat̃ eſt verificare: unde petit judic' ſi p̃d̃ quer̃ actionem ſuam p̃d̃ inde verſus eũ habere ſeu manutenere debeat, &c.

Tender de ſuffic' amends eſt bon plea in Replegiar̃ ante imparcationem averiorum, mes nemy poſt.

Note, that if any man, plaintiff or defendant, be minded to remove any action out of this Court, he muſt doe it by the Kings writ called an Accedas ad cur̃, which iſſueth out of the Chancery; and it muſt be made by a Curſiter of that ſhire where the action lieth, and directed to the Sheriff of the ſame County, who will make his warrant to the Bailiff of that Court: and

and the Bailiff must make his return of the warrant thus. First the Bailiff sends or delivers to the Sheriff a copie of the entrance of the Court when the Cause was removed, thus:

Alton Westbrook.

Cur̄ R. T. mil' ibm̄ ten̄ die Jovis, viz. x. die Maii ann' regn' dom̄ nr̄i Jac' dei gratia Ang' Scot' Franc' & Hibern' regis, fidei defens. &c. viz. Angl' Franc' & Hibern' 20. & Scot' 51. cor̄ I. W. G. S. R. H. & T. D. sect' ejusdem cur̄.

The copie of the plaint.

I. S. quer̄ versus W. W. de placito captionis & injustiæ detentionis averiorum suorum.

Virtute istius præcept̄ mihi directi, accept̄ mecum I. W. &c. quatuor discret̄ milit̄ hundr. de A. p̄d̄, accessi ad cur. R. T. milit̄, & record̄ feci loquelam quæ est in eadem cur. inter I. S. quer̄ & W. W. def. & record̄ illud parat̄ habeo sub sigill. meo & sigillis p̄d̄ 4. mil. ejusdem cur. ex illis qui record̄ ill. interfuer. & partibus p̄d̄ eūdem diem præfixi, put mihi præcept̄ fuit. In cujus rei testim̄ tam ego R. F. ballivus hund̄ p̄d̄ quam p̄d̄ I. W. &c. & 4. legal' mil' hundred̄ p̄d̄ præsentibus sigill. nostr. apposuimus.

Thereupon the Sheriff maketh his return, as to the said writ appeareth.

FINIS.

The Reader is desired to amend these Faults, which were in the Copy that was printed by.

Pag. 83. lin. 21. read *Istud breve.* p. 154. l. 15. dele *infranominat' A.B.C.D.E.F.G.H.* p. 174. l. 23. r. *& terr' tenen'.* p. 178. l. 21. dele *alit'.* p. 179. l. 6. for *Alias*, r. *Al' retorn' hab' corp'.* p. 188. l. 31. r. *catalla in Balliva mea.* p. 194. l. 3. r. *per quod ei.* p. 195. l. 20. for *I.B.* r. *I.H.* p. 196. l. 27, 28. r. *W. B. senior de D.* p. 201. l. 23. r. *quibusdam Indentur'.* p. 203. l. 22, 23. r. *certifico, quod prædict' I. S. postea.* p. 205. l. 20. r. *nobis præcipitur.* p. 208. l. 15. r. *computum.* p. 211. l. 14. r. *quos quidem xl. s. ad diem.* p. 215. l. 11, 12. r. *de com' præd' & respect' habetur ad verum.* p. 237. l. 25. r. *balliva mea.*